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Montana Legislative History

Chapter: 62 Session L: 1983 **Checklist of Bill History**

Bill Number: 7 House / Senate

History and Final Status Sheet	☑
Introduced Bill	☑
Fiscal Note	☐
Third Reading Bill	☑
Final Version of Bill	☑

House

Committee:
Highways & Transportation

Hearing Date(s):
Jan. 18, 1983
Jan. 27, 1983

Committee Report:

Senate

Committee:
Highways & Transportation

Hearing Date(s):
Feb 10, 1983
Feb. 15, 1983

Committee Report:

Conference Committee n/a

Hearing Date(s):

Conference Committee Report:

Compiler Notes

Compiled by: eg

Date: 12-1-23

Notes:

HOUSE BILL NO. 7

INTRODUCED BY HARP, STIMATZ, WALDRON,
TVEIT, CONNELLY, CURTISS,

BY REQUEST OF THE JOINT SUBCOMMITTEE ON HIGHWAYS

IN THE HOUSE

January 3, 1983	Introduced and referred to Committee on Highways and Transportation.
January 10, 1983	On motion by chief sponsor, Representative Connelly was added as an author to the prefiled bill.
January 11, 1983	On motion by chief sponsor, Representative Curtiss was added as an author to the prefiled bill.
January 27, 1983	Committee recommend bill do pass. Report adopted.
January 28, 1983	Bill printed and placed on members' desks.
January 29, 1983	Second reading, do pass.
January 31, 1983	Considered correctly engrossed.
February 1, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 2, 1983	Introduced and referred to Committee on Highways and Transportation.
February 16, 1983	Committee recommend bill be concurred in. Report adopted.

March 3, 1983	Second reading, concurred in.
March 5, 1983	Third reading, concurred in. Ayes, 45; Noes, 1.

IN THE HOUSE

March 5, 1983	Returned to House.
March 7, 1983	Sent to enrolling.
	Reported correctly enrolled.

HOUSE ___ BILL NO. 7

INTRODUCED BY HARP, STIMATZ, WALDRON, TVEIT

BY REQUEST OF THE JOINT SUBCOMMITTEE ON HIGHWAYS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR CONGRUENCE OF HIGHWAY COMMISSION DISTRICTS AND HIGHWAY FINANCIAL DISTRICTS; AMENDING SECTIONS 2-15-2502 AND 60-3-203, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-15-2502, MCA, is amended to read:

"2-15-2502. Highway commission. (1) The highway commission consists of five members. One member shall be a bona fide resident of and appointed from each of these districts, each composed of the counties named:

(a) District 1. Lincoln, Flathead, Sanders, Lake, Mineral, Missoula, Ravalli, Granite, ~~Lewis--and--Clark, Jefferson, Broadwater~~ Powell;

(b) District 2. ~~Powell,~~ Deer Lodge, Silver Bow, Beaverhead, Madison, Gallatin, Meagher, ~~Wheatland~~ Broadwater, Jefferson, Park, ~~Sweet Grass~~;

(c) District 3. Glacier, Toole, Liberty, Hill, Blaine, Pondera, Teton, Chouteau, Cascade, ~~Judith--Basin~~ Lewis and Clark;

(d) District 4. ~~Fergus,--Petroleum~~ Carter, Powder River, Fallon, Custer, Rosebud, Garfield, Phillips, Valley, McCone, Prairie, Dawson, Wibaux, Richland, Roosevelt, Daniels, Sheridan;

(e) District 5. Golden Valley, Stillwater, Carbon, Big Horn, Yellowstone, Musselshell, ~~Rosebud~~ Judith Basin, Fergus, Petroleum, Treasure, ~~Custer, Powder River, Carter, Fallon~~ Wheatland, Sweet Grass.

(2) No two members may at the time of appointment or thereafter during their respective terms of office be residents of the same district.

(3) Not more than three members may at the time of appointment or thereafter during their respective terms be members of the same political party.

(4) No elective state official or state officer during the term of office to which he was elected or appointed and no state employee may be a member of the commission.

(5) No resolution, motion, or other decision of the commission may be adopted or passed without the favorable vote of at least three members.

(6) The commission is allocated to the department for administrative purposes only as prescribed in 2-15-121.

(7) The commission is designated as a quasi-judicial board for purposes of 2-15-124; however, the provision of 2-15-124(1) that at least one member of a quasi-judicial board be an attorney does not apply to the commission."

LC 0062/01

INTRODUCED BILL

HB7

Section 2. Section 60-3-203, MCA, is amended to read:

"60-3-203. Districts for apportionment of department funds. All money available to the department for highway construction purposes shall be apportioned among ~~these~~ five financial districts, ~~each--composed-of-the-counties-named~~ corresponding to and congruent with the highway commission districts established in 2-15-2502.

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~~District-10:--Park,--Gallatin,--Sweet-Grass,---Meagher,~~ ~~Wheatland~~

~~District-11:--Golden--Valley,--Musselshell,-Stillwater,~~ ~~Yellowstone,-Carbon,-Big-Horn,-Treasure~~

~~District-12:--Rosebud,-Custer,--Fallon,--Powder--River,~~ ~~Carter,~~"

NEW SECTION Section 3. Effective date. This act is effective on July 1, 1983.

-End-

HOUSE BILL NO. 7

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BY REQUEST OF THE JOINT SUBCOMMITTEE ON HIGHWAYS

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THIRD READING

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REFERENCE BILL

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~~District--4:--McCone,---Richland,---Dawson,----Prairie,~~ ~~Wibaux;~~

~~District--5:--Fergus,-Garfield,-Petroleum;~~

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~~District--7:--Lewis--and--Clark,-Jefferson,-Broadwater;~~

~~District--8:--Sanders,--Mineral,---Missoula,---Ravalli,~~ ~~Granite,-Powell;~~

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~~District-11:--Golden--Valley,--Musselshell,-Stillwater,~~

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NEW SECTION Section 3. Effective date. This act is effective on July 1, 1983.

-End-

TRANSMITTED TO GOVERNOR: 1/24/83
SIGNED: 1/27/83, CHAPTER 4

HB 3 -- CURTISS -- TO DISAPPROVE THAT PART OF THE SUPREME COURT RULE ON DISQUALIFICATION AND SUBSTITUTION OF JUDGES THAT ALLOWS EACH ADVERSE PARTY IN A CIVIL CASE TWO SUBSTITUTIONS OF A JUDGE.
BY REQUEST OF: THE JOINT SUBCOMMITTEE ON JUDICIARY

INTRODUCED: 01/03/83
REFERRED TO COMMITTEE ON JUDICIARY: 01/03/83
HEARING: 1/11/83
REPORT: 01/12/83, DO NOT PASS
BILL KILLED: 01/13/83

HB 4 -- RYAN -- TO PROVIDE FOR STATE LIABILITY AND COMPENSATION FOR DAMAGES TO REAL AND PERSONAL PROPERTY CAUSED BY FUR-BEARING ANIMALS AND GAME ANIMALS.

INTRODUCED: 01/03/83
REFERRED TO COMMITTEE ON FISH & GAME: 01/03/83
HEARING: 1/25/83
DIED IN COMMITTEE

HB 5 -- MANUEL -- TO PROVIDE THAT THE MEMBERS OF THE SALARY COMMISSION SHALL BE REIMBURSED FOR THEIR TRAVEL EXPENSES FROM AN APPROPRIATION FOR THAT PURPOSE; AMENDING ....
BY REQUEST OF: THE LEGISLATIVE COUNCIL

INTRODUCED: 01/03/83
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 01/03/83
HEARING: 1/5/83
REPORT: 1/5/83, DO PASS, AS AMENDED
ON MOTION PASS CONSIDERATION: 1/6/83
REREFERRED TO COMMITTEE ON STATE ADMINISTRATION: 1/7/83
REPORT: 01/11/83, DO NOT PASS, AS AMENDED
BILL KILLED: 01/12/83

HB 6 -- WALDRON, STIMATZ, HARP, ET AL. -- INCREASING GROSS WEIGHT FEES ON MOTORTRUCKS, TRUCK TRACTORS, TRAILERS, SEMITRAILERS, AND TRUCK TRAILER COMBINATIONS; AMENDING SECTIONS ... ; AND PROVIDING AN EFFECTIVE DATE.
BY REQUEST OF: THE JOINT SUBCOMMITTEE ON HIGHWAYS

INTRODUCED: 01/03/83
REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION: 01/03/83
DIED IN COMMITTEE

HB 7 -- HARP, STIMATZ, WALDRON, ET AL. -- PROVIDING FOR CONGRUENCE OF HIGHWAY COMMISSION DISTRICTS AND HIGHWAY FINANCIAL DISTRICTS; AMENDING ...; AND PROVIDING AN EFFECTIVE DATE.
BY REQUEST OF: THE JOINT SUBCOMMITTEE ON HIGHWAYS

INTRODUCED: 01/03/83
REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION: 01/03/83
HEARING: 1/18/83
REPORT: 01/27/83, DO PASS
2ND READING: 01/29/83, DO PASS AYES: 82; NAYS: 8
3RD READING: 02/01/83, DO PASS AYES: 91; NAYS: 6

TRANSMITTED TO SENATE: 2/1/83
REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION: 02/02/83
HEARING: 2/10/83
REPORT: 2/16/83, BE CONCURRED IN
2ND READING: 03/03/83 AYES: 49; NAYS: 0
3RD READING: 03/05/83 AYES: 45; NAYS: 1

RETURNED TO HOUSE: 3/5/83

TRANSMITTED TO GOVERNOR: 3/10/83
SIGNED: 03/14/83, CHAPTER 62

HB 8 -- RYAN -- TO PROVIDE FOR THE TERMINATION OF CERTAIN SEVERED MINERAL INTERESTS OWNED BY PERSONS OTHER THAN THE SURFACE OWNER AND REVERSION OF OWNERSHIP TO THE SURFACE OWNER; AND ALLOWING THE PRESERVATION OF SEVERED MINERAL INTERESTS BY USE OR RERECORDATION.

INTRODUCED: 01/03/83
REFERRED TO COMMITTEE ON NATURAL RESOURCES: 01/03/83
HEARING: 1/10/83
REPORT: 02/03/83, DO PASS, AS AMENDED
2ND READING: 02/05/83, DO PASS AYES: 81; NAYS: 13
3RD READING: 02/08/83, DO PASS AYES: 84; NAYS: 12

TRANSMITTED TO SENATE: 2/8/83
REFERRED TO COMMITTEE ON NATURAL RESOURCES: 02/09/83
HEARING: 3/7/83
MINORITY REPORT: 03/10/83, BE CONCURRED IN
SUBSTITUTE MOTION, 3/10/83, THAT THE BILL BE REREFERRED TO THE COMMITTEE ON TAXATION. MOTION FAILED BY THE FOLLOWING VOTE: AYES: 16; NAYS: 30
ON MOTION, 3/10/83, THAT THE BILL BE REREFERRED TO THE COMMITTEE ON NATURAL RESOURCES. MOTION PASSED UNANIMOUSLY.
REPORT: 3/10/83, BE CONCURRED IN
REPORT: 3/15/83, BE CONCURRED IN, AS AMENDED
2ND READING: 03/16/83, BE CONCURRED IN, AS AMENDED AYES: 23; NAYS: 24
2ND READING: 03/16/83, BE INDEFINITELY POSTPONED AYES: 16; NAYS: 31
ON MOTION, 3/17/83, THAT PASS CONSIDERATION OF THE BILL BE GIVEN UNTIL 3/18/83. MOTION PASSED UNANIMOUSLY.
2ND READING: 3/18/83, BE CONCURRED IN AYES: 22; NAYS: 25
2ND READING: 03/18/83, PASS CONSIDERATION AYES: 22; NAYS: 27
2ND READING: 03/18/83, BE INDEFINITELY POSTPONED AYES: 26; NAYS: 22

RETURNED TO HOUSE: 03/18/83
ON MOTION, 3/19/83, THAT THE SENATE RECONSIDER THEIR ACTION TAKEN THE PREVIOUS DAY. MOTION FAILED BY THE FOLLOWING VOTE: AYES: 24; NAYS: 25.
BILL KILLED

HB 9 -- WALDRON, TVEIT, STIMATZ, ET AL. -- AUTHORIZING THE MONTANA HIGHWAY COMMISSION TO DESIGNATE SUFFICIENCY LEVELS FOR APPORTIONMENT OF CONSTRUCTION FUNDS TO THE FEDERAL-AID PRIMARY SYSTEM; AUTHORIZING THE DEPARTMENT OF HIGHWAYS TO ALLOCATE FUNDS ACCORDINGLY; AMENDING SECTION ...; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.
BY REQUEST OF: THE JOINT SUBCOMMITTEE ON HIGHWAYS

INTRODUCED: 01/03/83
REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION: 01/03/83
HEARING: 1/13/83
REPORT: 02/09/83, DO PASS, AS AMENDED

MINUTES OF THE MEETING OF THE HOUSE HIGHWAYS AND TRANSPORTATION COMMITTEE, JANUARY 18, 1983

The meeting was called to order by Chairman Abrams on Tuesday, January 18, 1983 at 12:30pm, in Room 129, State Capitol. All members were present with the exception of Rep. Kennerly, who was excused, and Representatives Shontz and Stobie, who were absent.

HEARINGS

HOUSE BILL 7. REP. JOHN HARP, District 19, Kalispell, testified as sponsor of the bill which would revise Highway Commission districts and reduce the number of financial districts from 12 to 5. He said as the financial districts would be identical to Highway Commission districts, a commissioner would also automatically represent a financial district. Rep. Harp showed committee members a map of the present 12 districts, formed in 1927, and explained the Department of Highways is in a phase of reconstructing roads based upon need instead of boundaries, but the present district structure hampers Department efforts in scheduling projects, adding adjacent districts must have available funds for work on roads which intersect districts.

REP. HARP said the a maximum of 25% may be borrowed from one financial district for another, which must be repaid and up to 300% may be borrowed for interstate projects. He advised the major problem with existing law is it does not address existing roads in the State properly, which would be corrected be expanded districts. As an example he cited financial district 12, whose top priority at this time would be dropped to 36 if proposed financial districts are implemented, and said the eleventh priority in financial district 8 would drop to 30, if the Department were allowed to address Montana highways based upon critical miles. He told the Committee there are GVW and right of way districts, in addition to financial districts which would be consolidated into the proposed five districts, adding the Department should be given the opportunity to utilize funds properly, by updating the 1927 law.

PROPONENTS

MR. MILEN FOSTER, Montana Highway Commission, stated his support of the bill.

MR. GARY WICKS, Director, Department of Highways, told committee members he supports the bill, as the problems

addressed in the Governor's Transportation Advisory Council would be resolved, in addition to those noted by the Legislative Auditor on pages 27 and 29 of that report. He said the primary system needs should be met and the bill would provide greater flexibility in use of the funds.

MR. LARRY TOBIASON, Montana Automobile Association and Montana Highway Users Association, said he supports the bill as do the majority of the 63,000 members of the MAA.

MR. BEN HAVDAL, Montana Motor Carriers Association, stated his support of the bill and testimony of other proponents.

OPPONENTS

REP. CHET SOLBERG, District 2, Daniels County, told committee members the original districts were designed to spread funding evenly and redistricting would penalize agriculture, which is the number one industry in the State.

IN CLOSING, Rep. Harp said the proposed changes do not affect the funding formula, addressed in House Bill 9, but only the availability of funds, providing more authority with fewer districts.

QUESTIONS

REP. SOLBERG asked Rep. Harp if the 25% available for borrowing was sufficient to complete projects. Rep. Harp replied the law is difficult to comply with and has been broken in the past to administer funds.

REP. BROWN asked if the five Highway Commission districts would be apportioned according to the proposed redistricting. Mr. Foster replied they would not change.

CHAIRMAN ABRAMS asked what the formula would be for distribution of funds within the proposed districts. Mr. Wicks said the formula would be changed in House Bill 9 to provide the Montana Highway Commission with discretion in apportioning funds. As an example, he said if the number of miles below the 100% sufficiency level in financial district 4 were considered within the proposed districts, it would receive 10% of available funds for that year.

CHAIRMAN ABRAMS asked if the bill would have a great bearing on the distribution of funds. Mr. Wicks replied it would and provided committee members with copies of the Financial District Law.

REP. UNDERDAL asked how the Department arrived at the proposed division of districts. Rep. Harp replied they were tied to present Highway Commission districts and administration districts.

REP. SOLBERG asked how the sufficiency rating was arrived at. Mr. Wicks provided committee members with the formula which gives information on structural adequacy, safety and traffic capacity.

REP. SOLBERG asked if Highway 13 were scheduled for reconstruction. Mr. Wicks replied it was scheduled for overlay, using the 60% sufficiency level, but the Department cannot authorize the work. He said if it were the highest priority in the financial district, it would receive 100% funding to bring it to sufficiency level.

REP. SOLBERG said six miles of Highway 13 were constructed in 1964 at a cost of $50,000 and another six miles, constructed at a cost of $50,000 per mile. He asked why these miles were not differentiated in the sufficiency ratings. Mr. Wicks replied he would have to look at the section of highway referred to as well as adjacent sections before he could answer the questions. He said the system is not a perfect measure, but does provide a good idea of what is needed, adding a rating of 30% compared to one of 75% is markedly relevant to highway condition, while a lesser difference might not be so relevant.

REP. BROWN asked how many road miles were involved in each of the districts. Rep. Harp replied there are 1,300 primary miles in district 1; 1,200 miles in district 2; 1,053 in district 3; 1,800 in district 4 and 1,200 in district 5, all of which receive federal aid.

REP. UNDERDAL asked whether the present situation would be better, if House Bill 7 passed and its companion bill, House Bill 9, did not. Mr. Wicks said passage of House Bill 7 would resolve an identified problem and although the bills are related, they are not interdependent upon one another.

REP. KEYSER asked why the surface area of a highway was given a higher rating base, (30 points), and the foundation given only ten points, especially since the foundation seemed to be of greater importance. Mr. Wicks said there is more emphasis on the surface as it has more contact with the public and if the surface is not cared for, the foundation worsens.

REP. UNDERDAL said he was concerned with Montana's standards for moisture content in its highways and asked if this could be investigated. Mr. Wicks said he would prefer to have an engineer answer the question and Mr. Foster explained a large amount of highway construction costs are for drainage.

The hearing was closed on House Bill 7.

HOUSE BILL 9. The bill was opened to questions from the Committee.

QUESTIONS

MR. SCOTT SEACAT, Deputy Legislative Auditor, provided committee members with a fiscal note for the bill.

MR. FOSTER, as a member of the Highway Commission, stated his support of the bill.

REP. UNDERDAL asked Mr. Wicks what the average cost per mile was in districts 2 and 5, which are mountainous, versus the costs in districts 3 and 4, which are mostly plains. Mr. Wicks replied he would have to obtain the information for Rep. Underdal, adding the average cost is $600,000 per mile and construction and right of way costs are higher in Western Montana.

REP. BROWN asked if there were any minimums applied to the districts. Mr. Wicks said because of the present funding method, all districts are receiving funding, as they all have deficient miles. Rep. Harp asked the Committee to check the Financial District Law in response to Rep. Underdal's question.

REP. KEYSER asked if funding could be designed to give the Legislature a better handle on how well the formula was working over a period of a few years. Mr. Wicks said the Commission has this responsibility and the information is presently compiled each biennium for the Legislature. He commented he did not know if the time

period were sufficient, adding the information does not change radically in one or two years.

REP. BROWN asked if he could obtain information on current and proposed funding formulas as they relate to House Bill 7. Mr. Wicks said he would provide the requested information. Rep. Brown commented he would prefer to have the breakdown prior to executive action on the bill.

REP. UNDERDAL asked if the formula were based on dollars rather than miles. Mr. Wicks said the present formula is based on the number of miles under the 100% sufficiency level in the State and, as an example, told committee members district 7 will receive 5.17% of funds under the present formula and would receive 3.91% under the proposed formula, for primary highways.

REP. ZABROCKI asked how many highways were at the 100% sufficiency level. Mr. Wicks said there are very few, but he did not know the exact number. He explained the number of miles below the 100% sufficiency level would be closed to the number of primary miles in the State.

REP. ABRAMS closed the hearing and advised committee members executive actions would be deferred until all members were present and information requested from the Department had been received. He announced House Bills 6 and 16 would be heard on January 29, 1983 at 8am, in the SRS Auditorium.

The meeting was adjourned at 1:30pm.

Hubert Abrams
REP. HUBERT ABRAMS, CHAIRMAN

Joann T. Gibson, Secretary

VISITOR'S REGISTER

HOUSE Highways COMMITTEE

BILL HB 7 DATE 1-18-93

SPONSOR Harp

NAME	RESIDENCE	REPRESENTING	SUP-PORT	OP-POSE
Jo Brunner	Helena	W.I.F.E	?	
Larry Tobiason	"	Mont. Auto Assn	X	
Ben Havdahl	"	Mont. Motor Carriers	X	
M Studer		LT GOV. (INTERN)		

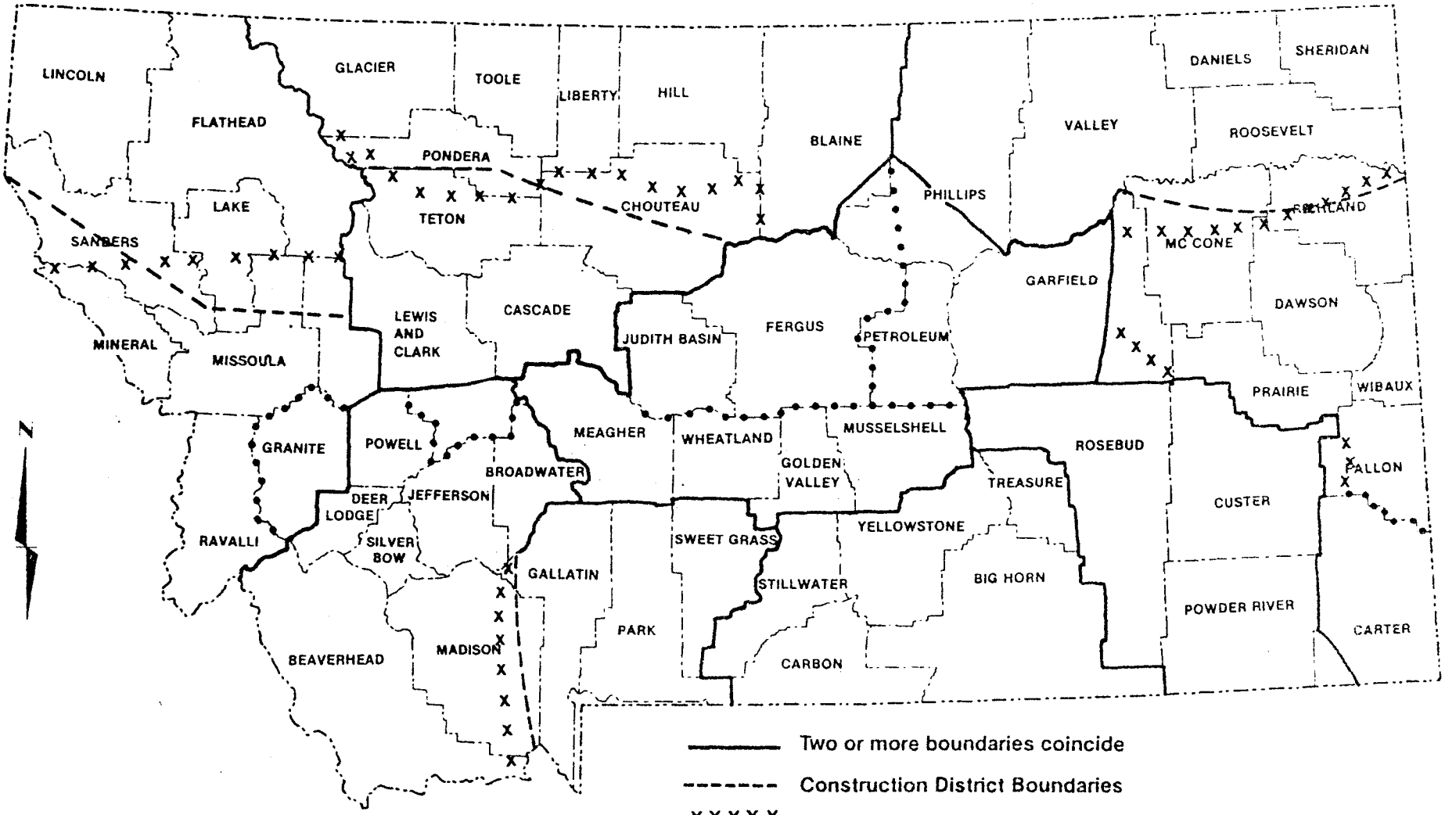
IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

FORM CS-33
1-83

(Ex a)

CONSTRUCTION, MAINTENANCE, RIGHT-OF-WAY, AND GVW DISTRICTS



(Right-of-Way districts coincide with one or more other districts.)

SOURCE: Department of Highways records.

Illustration 12

1-18-83

(Ex B)

Sufficiency Rating formula: 1-18-83

A. Structural Adequacy - TOTAL 50 Points
   1. Foundation 10 Points
   2. Surface 30 Points
   3. Drainage 10 Points

B. Safety - TOTAL 20 Points
   1. Number of stopping sight distances, shorter than permitted by design speed.

   2. Number of horizontal curves, sharper than permitted by design speed.

   3. Number of bridges narrower than the width of the approaches.

   4. Number of accidents as related to the average Traffic Volume for the analysis period

C. Traffic Capacity - TOTAL 30 Points
   1. Design hour traffic volume for the current year.
   2. Pavement and shoulder widths
   3. Percent of Commercial Vehicles
   4. Length of NO Passing zones
   5. Design Speed
   6. Average highway speed.

(Ex C)
1-18-83

CHAPTER III

FINANCIAL DISTRICT LAW

The financial district law was enacted in 1927 by the Legislature. The law divides the state into twelve geographic regions for the allocation of highway funds. Its original function appears to have been to assure that road construction occurred throughout the state. The law has changed little since 1927 with the exception of establishing different allocation methods for interstate, primary, secondary, urban, and off-system funds.

Illustration 7 shows a map of the financial districts. Each region receives a funding allocation for each road system according to the following criteria:

--Interstate funds are allocated to each financial district based on the cost to construct or reconstruct the interstate roads in that district.

--Primary funds are allocated to each district based on the number of deficient primary road miles in that district. This method is an interpretation of the financial district law by the department. The number of deficient miles for a segment of highway is the percentage deficiency from a perfect road times the length of the segment. For example, a 10-mile segment of road with a 30 percent deficiency is said to have 3 deficient miles. (See Appendix A for detail.)

--Secondary funds are allocated to each district based on the rural population, the rural road mileage (excluding primary and interstate), the land area, and the rural taxable valuation. These funds are in turn allocated to the counties based on the same criteria.

--Urban funds are allocated to each city of over 5,000 population based on population.

--Off-system funds are allocated the same way as secondary funds.

The department also receives federal funds for other types of projects such as bridge replacement and hazard elimination. These funds are not allocated to areas of the state. Appendix B shows the allocations by road system for fiscal year 1981-82. The federal government has not released any off-system funds for fiscal year 1981-82 and may not in the future.

We examined the financial district law after discussions with department officials revealed that the law has considerable impact on their ability to schedule projects. The following sections detail our analysis of the law and its weaknesses. The discussions are divided into those which impact the interstate and primary systems and those which impact the local systems (i.e., secondary, urban, and off-system).

INTERSTATE AND PRIMARY

The interstate and primary systems are grouped together because they are the major roads for travel across the state and are planned, built, and maintained by the state. Our examination of the financial district law revealed a major concern related to the primary system allocation. The allocation criteria in the law limit the department's ability to effectively schedule projects. Also, the definition of a deficient road in the primary system is unrealistic.

The interstate system is not affected as much by the financial district law because the interstate lies in fewer districts and the department has greater flexibility in moving funds among these districts. Also, funds are allocated based on the costs to construct or reconstruct the interstate in each district, which we believe is

more appropriate than the primary distribution formula. For these reasons our comments in the following section are directed mostly at the primary system.

Primary Road Funding Allocation

As mentioned earlier, primary funds are allocated to each district based on deficient primary road miles in that district. Basing the allocation on deficient road mileage does not take into account variations in cost from area to area and variations in the type of work needed to be performed. Construction in the mountains of western Montana can cost much more than construction on the plains of eastern Montana. Two six-mile projects constructed in 1980 show this difference. One project in the mountains of southwest Montana cost $4.1 million, while the other on the plains of central Montana cost $2.5 million. In addition, roads in similar overall condition can require repairs costing drastically different amounts. In 1980, the department constructed two twelve-mile overlay projects. One cost $1.4 million, while the other cost nearly twice as much at $2.7 million. The major difference in these two projects was the thickness of the overlay.

With twelve financial districts, the funding for each district is quite small. For fiscal year 1981-82, the allocations ranged from a high of $6.7 million to a low of $2.8 million. With these small allocations, the mileage of road which could be constructed or overlayed in each district is minimal since the average cost for construction is about $680,000 per mile, while the average cost for overlays is about $140,000 per mile. These figures only include

actual payments to contractors and not other department costs. With small allocations and high construction costs, the projects tend to be small, and small projects have higher overhead costs as a percentage of construction costs. For example, the $2.8 million allocation would construct only about four miles of road.

As noted previously, interstate money is allocated based on the cost to construct or reconstruct the interstate in each financial district. Primary funds are allocated based on deficient primary mileage. The department may increase the interstate allocation to any district up to 300 percent in a given year, provided that future allocations are reduced to "pay back the loan." The flexibility on the primary system is much less since allocations may only be increased by 25 percent. The department has violated the law because of this lack of flexibility. We found two districts in which the department had overspent the fiscal 1980-81 primary allocations in excess of the statutory maximums.

The financial district law does not allocate primary funds to the areas of the state with the worst primary roads as defined by the department. We noted that two of the financial districts have about 60 percent of the primary road mileage which are in critical need of repair, according to the department. However, the allocations for these two districts amount to only 24 percent of the primary funds. To compound the problem, these districts tend to have higher per mile construction costs when compared to a statewide average. This is mainly due to their location in the western mountainous part of the state.

The financial district law causes projects to be constructed based upon their priority within their respective financial districts regardless of their priority statewide. We compared the department's district-by-district priority rankings with the department's listing of the top 48 projects statewide. We found several cases in which the top priority in a district was low on the statewide list or not even on the list. As an example, the top priority in Financial District 12 ranks 36th overall. However, the 11th priority in Financial District 8 ranks 30th overall. In other words, financial districts with many critical miles can have several projects that on a statewide basis would rank higher than the top priority project of a district with few or no critical miles. But the statewide ranking has little meaning since the top priority projects in each district receive that district's funding.

Our analysis indicates the department also has problems with coordinating funds for projects which cross financial district boundaries. To build the project as a single unit, the funding in both districts must be available at the same time. If funding is not available, the project must be delayed until funds are available or split into projects small enough for the funding to be adequate. In both cases, the costs are increased. Also, the department's accounting for funds is complicated since the department must keep track of funds by district. A project which crosses district boundaries must be given a different project number for each district and the costs associated with each project number must be accounted for separately.

With allocations based on a standard of 60 percent, Financial District 1 would receive $2 million more, while Financial District 3 would receive $2 million less. The result is that financial districts with the most critical miles as defined by the department would get more funds and thus more miles of road could be reconstructed in those districts.

Changing the definition of deficient roads to only include those sections which do not meet "adequate" standards would improve the distribution of primary funds. Basing the distribution on the cost of the needed improvements for those deficient sections would be better than basing it solely on deficiency since cost of improvements takes into account the differences in construction costs among areas of the state. The cost of improvements method also considers the differences in cost for various reconstruction needs.

Possible Revisions

All of these concerns point to the need to substantially revise the financial district law as it applies to the primary system. The following are some possible revisions that would improve the distribution of primary funds.

One change could be to decrease the number and increase the size of financial districts. For example, five large districts rather than twelve small ones would minimize several of our concerns. The number five is chosen because it would coincide with the number of commission districts and field regions. This is discussed further in Chapter IV. This change would increase the size of allocations which would reduce splitting of projects, add flexibility

in where money could be spent, and reduce interdistrict coordination problems. This change would also benefit the interstate system for the same reasons.

A logical extension of reducing the number of financial districts would be to prioritize and fund projects on a statewide basis. This would effectively eliminate financial districts and would further reduce our concerns. The department could fund projects where the need is greatest. In addition, projects can be larger and hence have lower percentage of overhead costs. Splitting and delaying projects should be greatly reduced.

Eliminating financial districts for the interstate and primary systems would require the department to develop procedures for analyzing construction needs for these systems throughout the state. These procedures should result in statewide priorities for interstate and primary projects and corresponding fund allocations for the projects.

If the financial district system is retained, the allocation criteria for primary roads should be changed from deficient mileage to cost of improvements needed on deficient roads, similar to the interstate. This would shift funding to the areas with roads in more critical need of repair. Also, variations in cost from area to area and project to project would be taken into account.

RECOMMENDATION #1

WE RECOMMEND THE LEGISLATURE EITHER:

A. ELIMINATE FINANCIAL DISTRICTS FOR THE INTERSTATE AND PRIMARY SYSTEMS AND ALLOW THE DEPARTMENT TO SET PROJECT PRIORITIES AND ALLOCATE FUNDS ON A STATEWIDE BASIS; OR

REALIGNING HIGHWAY COMMISSION AND FINANCIAL DISTRICTS

A Report by Paul E. Verdon, Staff Researcher
to Joint Subcommittee on Highways
June 8, 1982

In response to committee instructions at the May 18 meeting, the researcher has consulted with the Department of Highways to formulate a new alignment of counties into highway commission districts to resemble more closely the department's administrative districts that were reconstituted last month in a statewide reorganization.

The intention is to make the commission districts and the administrative districts congruent so that the commissioner can identify more closely with the activities in his area and maintain a meaningful advisory and consulting relationship with the department's management team.

A logical further step would be the amendment of the financial district law to reduce the number of districts from twelve to five and to make these new larger districts identical with the proposed commission-administration districts. This change, in essence, would assure that all functions--planning, financing, construction, maintenance, administration, and policy-making--would occur within similar geographic constraints and would utilize the coordinated talents and efforts of the same group of people in each region.

Achievement of this objective, of course, will require abandonment of commission and financial district concepts that are almost six decades old and that in some instances will require far-reaching modifications, particularly in the configuration of the huge eastern Montana commission district.

As now constituted, the commission districts include these counties:

District 1. Lincoln, Flathead, Sanders, Lake, Mineral, Missoula, Ravalli, Granite, Lewis and Clark, Jefferson, Broadwater;

District 2. Powell, Deer Lodge, Silver Bow, Beaverhead, Madison, Gallatin, Meagher, Wheatland, Park, Sweet Grass;

District 3. Glacier, Toole, Liberty, Hill, Blaine, Pondera, Teton, Chouteau, Cascade, Judith Basin;

District 4. Fergus, Petroleum, Garfield, Phillips, Valley, McCone, Prairie, Dawson, Wibaux, Richland, Roosevelt, Daniels, Sheridan;

District 5. Golden Valley, Stillwater, Carbon, Big Horn, Yellowstone, Musselshell, Rosebud, Treasure, Custer, Powder River, Carter, Fallon.

Realignment of commission districts to conform with administrative districts would result in this arrangement:

District 1. Lincoln, Flathead, Sanders, Lake, Mineral, Missoula, Ravalli, Granite, Powell.

District 2. Beaverhead, Deer Lodge, Silver Bow, Jefferson, Madison, Gallatin, Park, Meagher, Broadwater.

District 3. Glacier, Pondera, Teton, Cascade, Lewis and Clark, Chouteau, Toole, Liberty, Hill, Blaine.

District 4. Phillips, Valley, Daniels, Sheridan, Roosevelt, Garfield, McCone, Dawson, Richland, Wibaux, Carter, Fallon, Powder River, Custer, Prairie, Rosebud.

District 5. Judith Basin, Fergus, Petroleum, Wheatland, Musselshell, Golden Valley, Treasure, Yellowstone, Big Horn, Carbon, Sweet Grass, Stillwater.

A statistical comparison of the proposed new districts:

	'80 Veh. Regist.	1980 Popul.	Area (Sq.Mi.)	Fed.Aid Primary, Interst. Mileage	Rural Rd. Mileage (Incl. Secondary)
Dist. 1	162,468	209,291	23,340	1,284.4	11,803.1
Dist. 2	100,714	132,219	22,920	1,177.6	8,040.9
Dist. 3	136,823	185,949	27,288	1,053.3	17,745.7
Dist. 4	91,253	97,141	46,867	1,789.3	22,469.4
Dist. 5	130,722	161,212	26,620	1,171.1	11,297.3

Under this proposal, the commission and financial districts are congruent, and all counties are intact. Boundaries of department administrative districts, as currently constituted, vary slightly because the counties of Powell, Beaverhead, Lewis and Clark, Judith Basin and Phillips have been divided for purposes of operating efficiency.

It is perhaps a fortuitous coincidence that enactment of these district changes by the 1983 legislature would vacate no highway commission seat whose present occupant's term extends beyond this year. The term of the only serving commissioner whose county of residence would be moved to a new district expires at the end of this year, and that commissioner has stated publicly he desires to terminate his service.

Effective dates of legislation to realign financial districts should be July 1, 1983, so the department's allocation of funds for the biennium can correspond with fiscal years.

A proposal to modify the financial district law was requested by Senator Elliott who asked that the allocation criteria be changed to require that one-half of the construction funds be apportioned according to critical need and the remaining one-half be allocated as under existing statute.

This change could be effected by amending 60-3-205, MCA, thus:

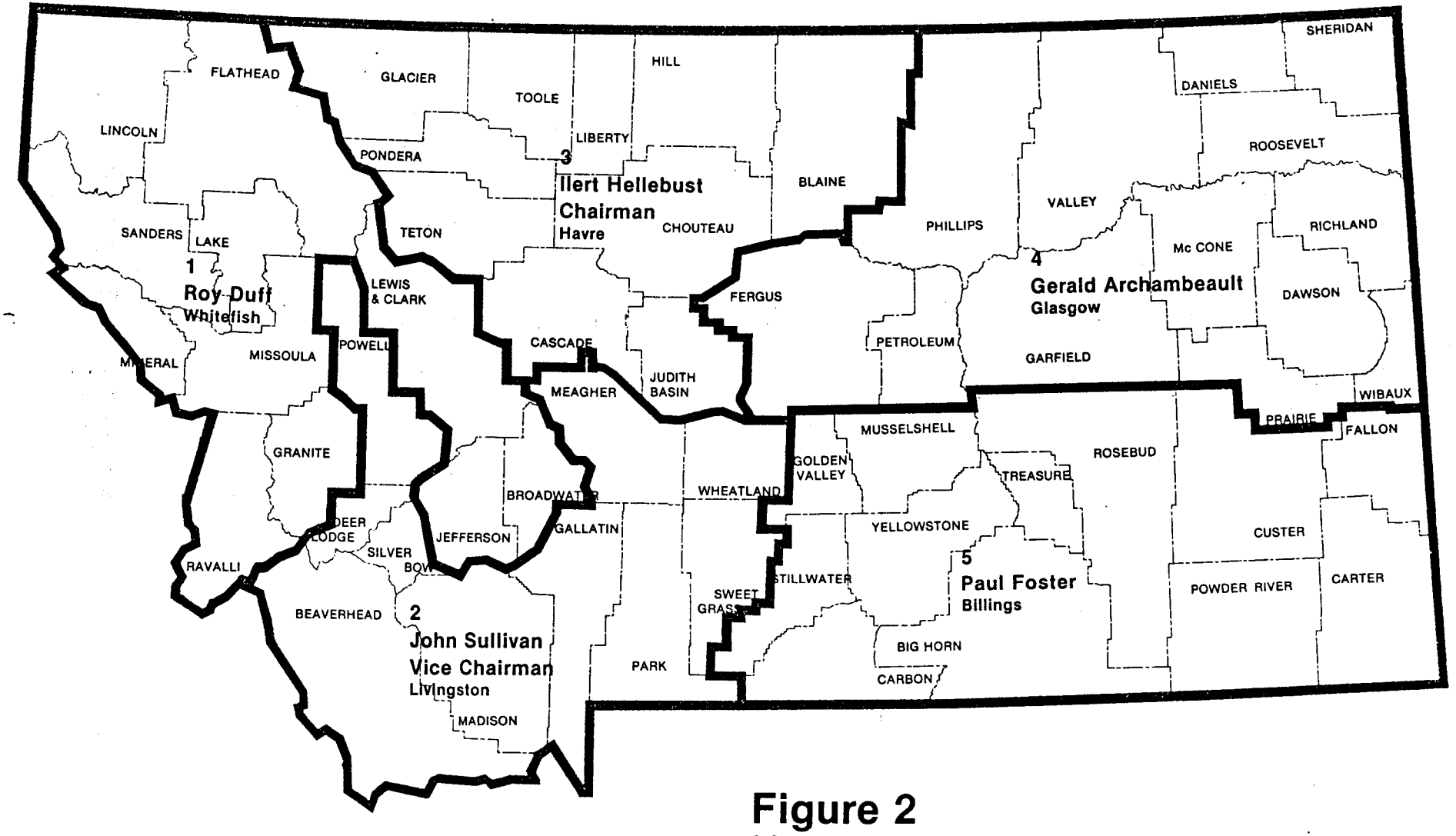


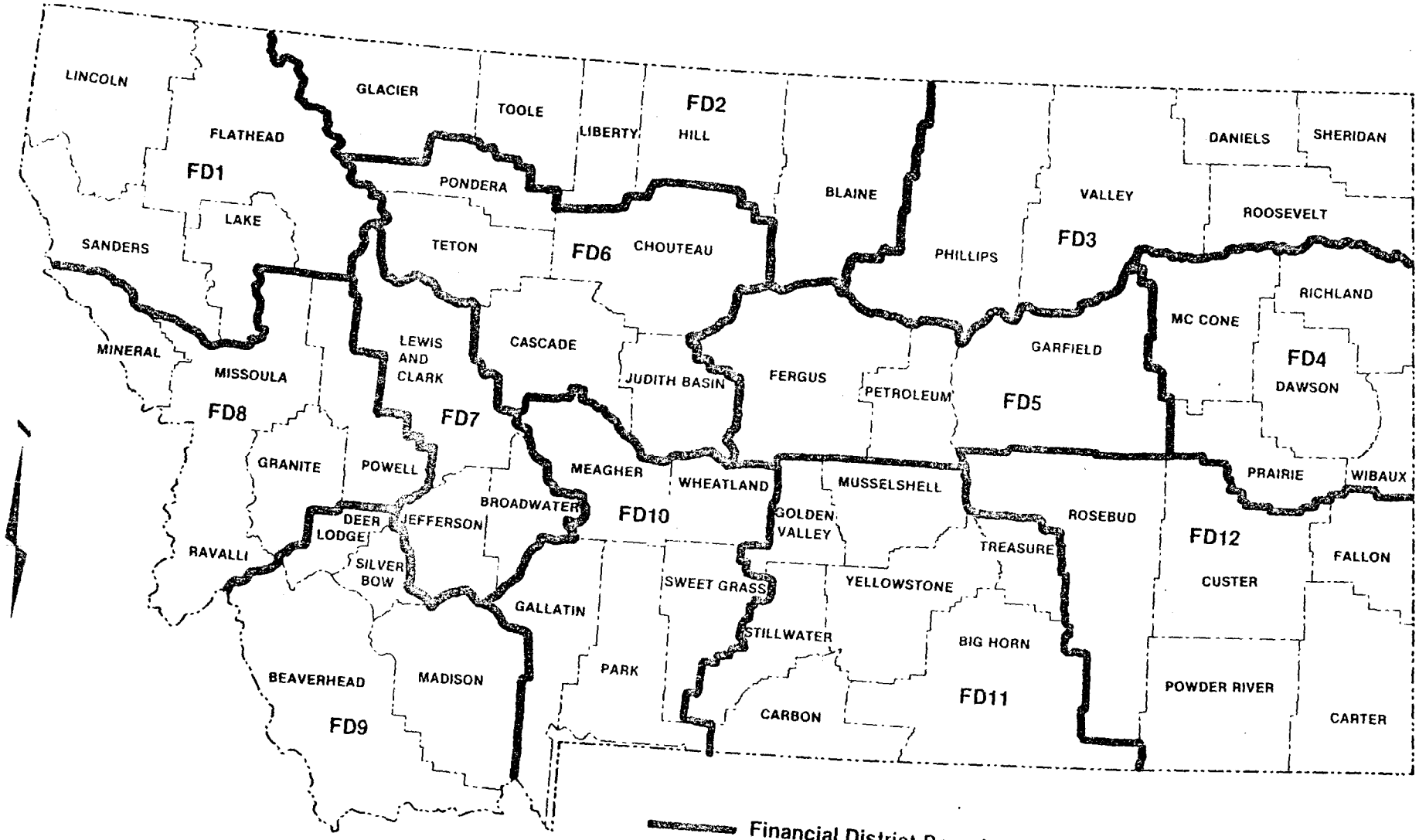
Figure 2
Highway Commissioner Districts

Commissioner District Boundaries

3 Commissioner District Numbers

Existing districts

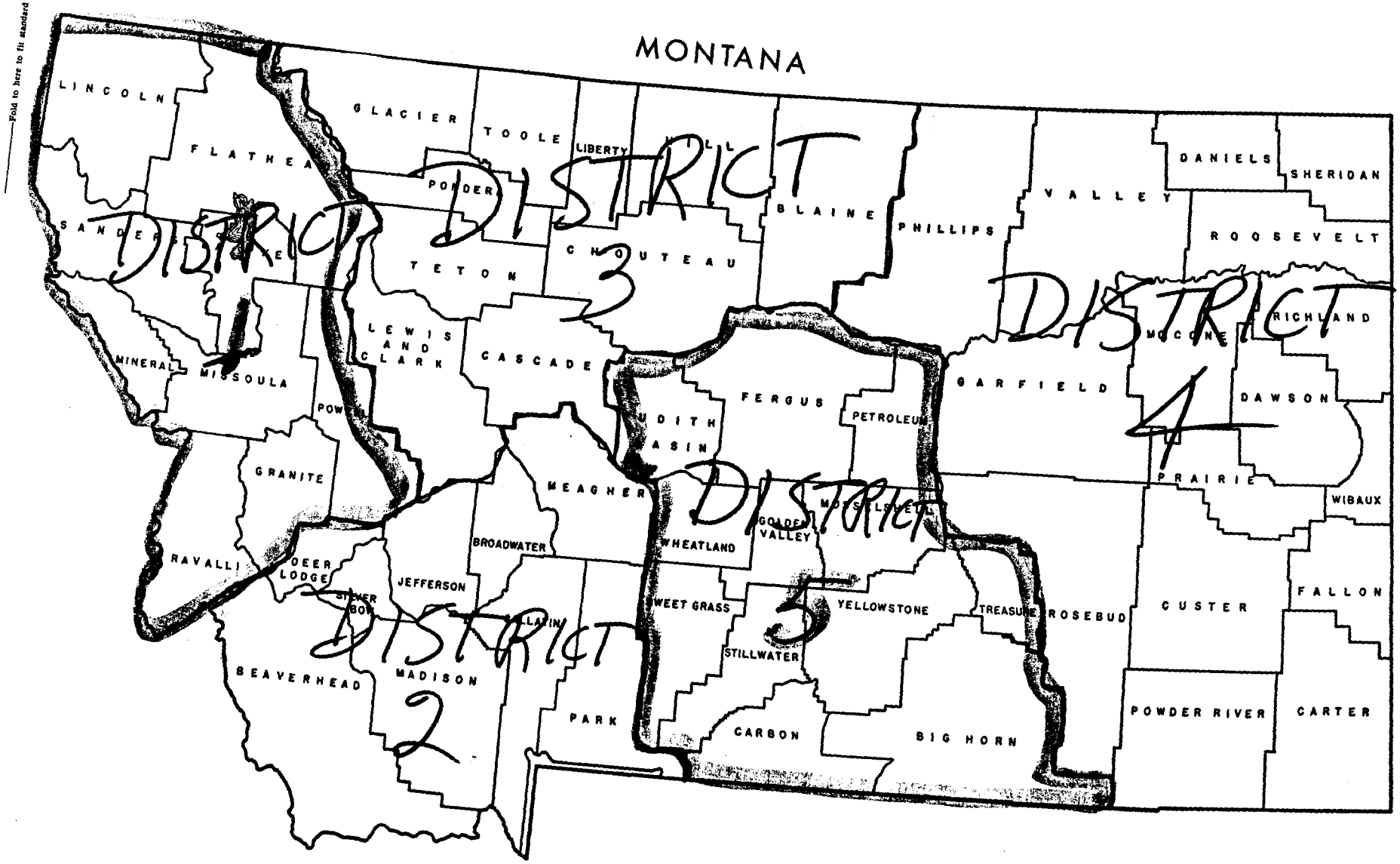
FINANCIAL DISTRICTS



SOURCE: Department of Highways records.

Illustration 7

Proposed districts



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County Outline Map (30 to a pad)

Allocation of Highway Construction Funds

Type of Fund	Allocated to	Factors for Federal Apportionment	State Financial District Distribution Factors	Criteria for State Project Selection
1. Interstate	Financial Districts	Cost of completing system compared to total cost of completion nationally.	Estimated cost of completing system in each financial district compared to cost of completion statewide. Interstate 4R Program (resurfacing) is not distributed by financial district.	Uncompleted projects that match the dollars available, 4R projects selected on need for resurfacing.
2. Primary	Financial Districts	Area, rural population, rural delivery route mileage, intercity route mileage	Ratio of deficient primary mileage in each financial district to the total deficient primary mileage in state.	Sufficiency ratings, accident rates, recommendations of staff, maintenance costs, public requests.
3. Secondary	Financial Districts	Area, rural population, rural delivery route mileage and intercity mail route mileage.	Rural population, land area, rural road mileage and value of rural land in each financial district and county.	Priorities established by county commissioners with concurrence of DOH.
4. Urban	Cities of 5,000+ population	Urban population	Proportion of population.	Priorities established by Technical Advisory Committees and the Policy Coordinating Committees.
5. Economic Growth Centers	Approved Growth Centers	Three active growth centers per state.	Ratio of number of miles of primary, secondary, and urban roads in need of upgrading in each center compared to total in all centers.	Deficit mileage in area of influence of each center.

* Other minor funding sources or programs include; Bridge Replacement, Rail-Highway crossings, Hazard Elimination, Pavement Marking, Highway Safety, Forrest Highway, Highway Planning and Research and The Reconstruction Trust.

GH:mb:21M

(Ex D)

1-18-83

STATE OF MONTANA

REQUEST NO. 021-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 6, , 19 83 , there is hereby submitted a Fiscal Note for House Bill 9 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 9 revises the formula used to apportion construction funds to the Federal Aid Primary Highway System. The total funds apportioned each year would not change, but the allocation for each financial district would change, depending on the sufficiency levels adopted as adequate and critical by the Highway Commission. More weight is also provided in the new allocation formula to critically deficient roadway mileage.

ASSUMPTIONS:

1) The following estimated percentage allocations are based on 1982 sufficiency ratings.

FISCAL IMPACT:

No additional revenue will be distributed as a result of this bill. However, the allocation to each financial district will be:

Financial Districts

	1	2	3	4	5	6	7	8	9	10	11	12	
Present Formula	12.76 %	6.07 %	10.32 %	6.59 %	7.10 %	8.57 %	5.17 %	11.3 %	5.63 %	8.80 %	8.97 %	8.92 %	= 100%
Proposed Formula	27.94 %	4.03 %	5.81 %	8.26 %	2.93 %	6.40 %	3.91 %	16.62 %	3.80 %	5.23 %	9.46 %	5.34 %	= 100%

FISCAL NOTE 3:H/1

David M Lewis

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-11-83

ANALYSIS OF THE EFFECTS OF HB 7 AND HB 9

House Bill 7 establishes five Financial Districts to replace the current twelve.

House Bill 9 establishes a formula for allocation of primary funds based on Highway Commission established levels of "critical" and "adequate" sufficiency. These levels are assumed to be 40 and 60 respectively and are based on 1981 sufficiency ratings adjusted for traffic.

NEW Financial District	Miles 0-40 Sufficient	%	Miles 0-60 Sufficient	%	Allocation Percentage
1	279	61.06	757.5	28.49	44.78
2	13.1	2.87	392.8	14.77	8.82
3	34.3	7.51	444.3	16.71	12.11
4	80.6	17.64	641.5	24.13	20.88
5	49.9	10.92	422.6	15.90	13.41
Statewide	456.9	100	2658.7	100	100

Due to rounding, there are slight differences between the total mileages shown above and those shown in the Sufficiency Report.

WIFE Women Involved in Farm Economics

WITNESS STATEMENT

NAME JO BRUNNER BILL NO. HB.7

ADDRESS 563 3rd St. s. HELENA DATE JANUARY 18/83

REPRESENT W.I.F.E.

SUPPORT X-kind of OPPOSE AMEND

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, MY NAME IS JO BRUNNER AND I SPEAK TODAY FOR THE WOMEN INVOLVED IN FARM ECONOMICS ORGANIZATION. OUR ORGANIZATION, LIKE THE OTHER AGRICULTURE ORGANIZATIONS IS DEEPLY CONCERNED WITH THE CONDITIONS OF OUR HIGHWAYS, AND WE RECOGNIZE THE" TREMENDOUS COST OF BUILDING AND MAINTAINING OUR HIGHWAY SYSTEMS.
BUT WE ARE ALSO CONCERNED THAT IN ORDER TO FACILITATE SUCH PROGRAMS AS MAY BE DETERMINED BY THE POWERS THAT BE, THAT MANY OF OUR SMALLER COMMUNITIES WILL LOOSE WHAT SMALL CHANCE THEY MAY NOW HAVE TO SHARE IN DESPERATELY NEEDED HIGHWAY AND ROAD DEVELOPMENT.
WHILE WE REALIZE THAT 12 DISTRICTS IS PERHAPS TOO GREAT A NUMBER TO BE EFFECTIVE TO THE HIGHEST DEGREE DESIRED, AND THAT THERE ARE BENEFITS TO BE DERIVED FROM COORELATING THE COMMISSION AND FINANCIAL DISTRICTS, WE BELIEVE THAT LESS DISTRICTS WITH MORE COUNTIES IN EACH DISTRICT WILL CERTAINLY LESSEN THE DEGREE OF EFFECTIVENESS AS FAR AS THE OUTLYING PORTIONS OF EACH DISTRICT IS CONCERNED.
THEREFORE IT IS OUR POLICY AND OUR RECOMMENDATION THAT THERE BE NOT LESS THAN 7 HIGHWAY DISTRICTS IN THE STATE OF MONTANA.

THANK YOU.

Bill Summary

House Highways and Transportation Committee

HB 7 would revise the makeup of highway commission districts and would reduce the number of financial districts from 12 to 5. The financial districts would be identical to the 5 highway commission districts. Under this plan, a commissioner would automatically also represent a financial district.

GP2/BS 1/18

Kalispell Area Chamber of Commerce Post Office Box 978 Kalispell, Montana 59901 Telephone (406) 755-6166

January 18, 1983

Representative Hubert Abrams
Chairman, Highways and
Transportation Committee
Montana Legislature
State Capitol Building
Helena, Montana 59601

Dear Chairman Abrams:

The Kalispell Area Chamber of Commerce wishes to place itself on record in full and wholehearted support of House Bills #6, #7, #9, #16 and #17.

These are all essential portions of a program that seem to us to be the correct direction to the improvement of the Montana highway system, both in new construction and in maintenance.

The deteriorating condition of the system and the failure to recognize areas of critical need, both in condition and safety factors, require a positive approach represented by the Bills mentioned above.

We sincerely hope that the Committee will give favorable consideration to the Bills mentioned in order that a more sound and businesslike approach be given to the highway system in Montana.

Very truly yours

KALISPELL AREA CHAMBER OF COMMERCE

By John F. Jamerson
President

By Cal Robinson
Chairman, Legislative Affairs

MINUTES OF THE MEETING OF THE HOUSE HIGHWAYS AND TRANSPORTATION COMMITTEE, January 27, 1983

The meeting was called to order by Chairman Abrams on Thursday, January 27, 1983 at 12:30pm in Room 129, State Capitol. All members were present with the exception of Rep. Brown, who was absent.

HEARINGS

HOUSE BILL 397. REP. JIM JENSEN, District 66, Yellowstone County, testified as sponsor of the bill which would replace men working signs with crew working signs by 1993. He told committee members both Canada and Alaska had adopted the signs.

PROPONENTS

MS. LINDA JACOBSEN, Helena, stated her support of the bill adding, the Wobblies Union, (International Workers of the World), of which she is a members, supports non-sexist signs in the workplace.

MR. JIM BECK, Department of Highways, said he would prefer a symbol of a worker in lieu of "crew" working signs as it would conform with requirements in the Manual on Uniform Traffic Control Devices, published by the federal government. He proposed the Committee amend line 20 be striking "crew working" and inserting "displaying the symbol of a worker", after "sign".

MS. JULIE FASBENDER, Associated Students of the University of Montana, stated her association's support of the bill.

OPPONENTS

There were no opponents of the bill.

IN CLOSING, Rep. Jensen said he had no problem with the amendment proposed by the Department, adding we take many things for granted and shouldn't, especially since many women are presently employed in traditinally male roles.

REP. HAMMOND read the definition of the word "crew" from the Webester Collegiate Dictionary.

REP. KEYSER asked what the basic use of the sign would be. Rep. Jensen replied it was to warn traffic of workers' presence.

REP. KEYSER asked if the proposed signs would contribute to highway safety. Rep. Jensen said there should be no difficulty with public adjustment to the signs and they would probably improve safety.

REP. STOBIE asked Mr. Beck what the financial impact would be. Mr. Beck replied it would be little or none, based on a seven year life cycle for the signs.

REP. SHONTZ said it would be advantageous to utilize international signs in the interest of foreign drivers.

REP. O'CONNELL asked how the signs would eliminate the problem with harrassment of women on the job. Rep. Jensen said if the problem were addressed in the work place, it could gradually be eliminated.

REP. HARP said the bill contained no responsibility to the private contractor to change signs accordingly.

REP. ZABROCKI asked Mr. Beck to provide the Committee with a picture of an international sign, which Mr. Beck did.

REP. STOBIE asked Rep. Jensen if the international sign were acceptable to him. Rep. Jensen said he would have no objection to the sign. Mr. Beck commented there would still be no fiscal impact if the bill were amended to utilize the international symbol.

REP. JENSEN said he thought the ten year limit to change signs was fair and if there were any costs involved they would not be unduly burdensome. Mr. Beck advised the Department manufactures its own signs.

The hearing was closed on House Bill 397.

HOUSE BILL 353. REP. JOHN SHONTZ, District 53, Richland County, testified as sponsor of the bill which addresses the statute requiring GVW stations to remain open on a 24 hour basis. Rep. Shontz said the statute should either be repealed or the stations funded so they could remain open as required.

PROPONENTS

MR. DON COPLEY, Department of Highways, said the statute was enacted in 1965, but the Department has not

complied because of insufficient funding. He said the Legislative Auditor suggested compliance or a change in statutes in his 1979-80 report and told the Committee if the bill passes and major entrances to the State manned, 22 new FTE would be required in addition to 5 new FTE for 5 other entrances, adding the average cost per FTE is $25,000. Mr. Copley advised committee members the 1981 Legislature authorized additional FTE for GVW stations, but the emphasis on roving GVW checks has worked out well.

OPPONENTS

There were no opponents of the bill and Rep. Shontz closed.

QUESTIONS

REP. HEMSTAD asked by border stations were established in 1965. Mr. Copley replied he did not know.

REP. UNDERDAL asked if existing stations would remain open. Mr. Copley replied they would, adding new FTE's, if approved, would be assinged roving duties.

REP. ZABROCKI asked if the State could cut down on roving personnel if weigh stations were manned on a 24 hour basis and for the percentage difference in violations between interstate and intrastate traffic. Mr. Copley said there are many ways a truck can violate weight regulations and miss stations, which reinforces the need for roving crews. He told the Committee violations average 7-8% at weigh stations and 20% with roving crews.

REP. ZABROCKI asked if any centered weigh stations were in use in Montana. Mr. Copley said there is one in Crow Agency, which is working very well.

REP. LYBECK said a great discrepancy was found in scales in the Kalispell area, used by roving personnel. Mr. Copley replied discrepancies appear between scales, which are serviced and sealed annually.

REP. KEYSER said in 1982, roving crews were mostly stopping intrastate violators, adding most interstate traffic is fairly well aware of Montana weight requirements. He said truckers are capable of by-passing many weigh stations in the State.

REP. SHONTZ told the Committee the Department has begun discussion with adjoining states for ports of entry inspections, adding House Bill 353 may present a problem to the discussions.

REP. HEMSTAD asked if the Department has ever adhered to statute. Mr. Copley replied the Department has not requested the additional funding and manpower to meet the requirements of the statute.

REP. ZABROCKI said at least 17 trucks are parked along the highway near Columbus, MT, at all times, waiting for the scales to close.

The hearing on House Bill 353 was closed.

HOUSE BILL 410. REP. KELLY ADDY, District 62, Yellowstone County, testified as chief sponsor of the bill, which was drafted at the request of the Department at the suggestion of the Legislative Auditor.

PROPONENTS

MR. JIM BECK, Department of Highways, said the bill would provide metropolitan planning funds could only be used in areas with population greater than 50,000, in accordance with federal regulations. He said the bill would apply to Missoula, Great Falls and Billings, adding there were $161,700 in metropolitan planning funds available in 1981 and will be $226,000 in 1983.

OPPONENTS

There were no opponents of the bill.

QUESTIONS

REP. HEMSTAD asked Mr. Beck what the federal match percentage is. Mr. Beck replied the federal match is 80% and the State supplies the remaining 20%. He said Billings would receive 41.42%; Great Falls, 31.76%; and Missoula 27.82% of available funds.

REP. HEMSTAD asked if federal funding would be lost if the bill were amended to include areas with populations of 10,000 or more. Mr. Beck replied he would have to research the matter, since funding would change, adding

certain amounts are budgeted for each category and for a particular purpose.

REP. SHONTZ asked Mr. Beck if the bill would affect urban funding to cities of less than 50,000 population. Mr. Beck replied it would not.

REP. LYBECK asked if the funding were restricted to city limits. Mr. Beck it would be restricted to urban boundaries which usually exceed city limits.

REP. STOBIE asked if funding would apply to thoroughfares and side streets and how long the program had been in existence. Mr. Beck replied it was ten years old and could even apply to mass transit.

REP. KEYSER asked if the population requirement were the same for all areas. Mr. Beck replied the density requirement was 1,000 persons per square mile.

The hearing was closed on House Bill 410.

EXECUTIVE SESSION

HOUSE BILL 7. REP. HARP moved the bill Do Pass. Rep. Stobie seconded the motion.

REP. SOLBERG said he noted a large number of critical miles in the Kalispell area. Rep. Harp said the bill would address financial districts and not funding.

The motion was approved with all members voting aye except Rep. Solberg, who voted no.

HOUSE BILL 9. REP. KEYSER moved the bill Do Pass. Rep. Stobie seconded the motion.

REP. HARP moved the Committee adopt the proposed amendments pertaining to 25% funding for 40% sufficiency levels and 75% funding for 60% sufficiency levels, on page 2, line 16, as approved by the bill's sponsor, Rep. Waldron (exhibit).

REP. HARP explained the formula to the Committee (exhibit) and the difference in costs versus terrain for certain areas of construction in the State.

The motion was unanimously approved by committee members.

CHAIRMAN ABRAMS requested the Committee to defer final action on House Bill 9, pending related bills to be heard by members, and asked it be taken on Tuesday, February 1, 1983.

The meeting was adjourned at 2pm.

Hubert Abrams

REP. HUBERT ABRAMS, CHAIRMAN

Joann T. Gibson, Secretary

ROLL CALL VOTE ------ 1983 HIGHWAYS AND TRANSPORTATION COMMITTEE

	Date: 1/27 No: HB 7	Date: 2/17 No: HB 636 Table	Date: 2/17 No: HB 443 Do Pass	Date: 2/17 No: HB 636 Reconsider	Date 2/19 No: HB 636 Amend.	Date No:	Date: No:
ABRAMS	Y	N	Y	Y	Y		
ZABROCKI	Y	Y	Y	Y	N		
BROWN	A	Y	Y	N	N		
COMPTON	Y	Y	Y	N	Y		
HAMMOND	Y	N	N	Y	N		
HARP	Y	N	N	Y	N		
HEMSTAD	Y	N	Y	Y	N		
HOWE	Y	Y	N	N	A		
KENNERLY	Y	Y	N	N	N		
KEYSER	Y	Y	Y	N	Y		
KOEHNKE	Y	Y	Y	N	Y		
LYBECK	Y	N	N	Y	N		
O'CONNELL	Y	N	Y	Y	N		
SHONTZ	A	N	N	Y	N		
SOLBERG	N	Y	Y	N	Y		
STOBIE	Y	Y	Y	N	Y		
UNDERDAL	Y	Y	Y	Y	Y		

CS-31

1-

STANDING COMMITTEE REPORT

JANUARY 27 19 83

MR. SPEAKER:

We, your committee on HIGHWAYS AND TRANSPORATION

having had under consideration HOUSE Bill No. 7

DUPLICATE WHITE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR CONGRUENCE OF HIGHWAY COMMISSION DISTRICTS AND HIGHWAY FINANCIAL DISTRICTS; AMENDING SECTIONS 2-15-2502 AND 60-3-203, MCA; AND PROVIDING AN EFFECTIVE DATE."

Respectfully report as follows: That HOUSE Bill No. 7

DO PASS

MR. HUBERT ABRAMS

Chairman.

STATE PUB. CO.
Helena, Mont.

VISITOR'S REGISTER

HOUSE _____ COMMITTEE Highways

BILL HB 397 DATE 27 Jan 83

SPONSOR Raney

NAME	RESIDENCE	REPRESENTING	SUP-PORT	OP-POSE
Stacy Flaherty	Helena	Women's Lobbyist Fund	397	
Mike Mayers	Helena	self	397	
Paul Poirier	Helena	self		397
Linda M. Jacobson	Helena	Self; Pres in the trans	397	
Julie Hebender	Missoula	ASUM	397	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

FORM CS-33
1-83

1/27/83
Exhibit X

PRESENT AND PROPOSED PRIMARY FUNDING ALLOCATIONS

Present Primary Funding Allocation System

Section 60-3-205(1), MCA, provides for primary funding allocations based on incompleted primary mileage in each financial district compared to total incompleted primary mileage in the state. Incompleted mileage means any mileage failing to meet the latest approved state standards. The department has defined incompleted mileage as the deficient mileage in each district based on sufficiency ratings. The number of deficient mileage for a segment of highway is the percentage deficiency from a perfect road times the length of the segment. For example, a 10-mile segment of road with a sufficiency rating of 70 percent (30 percent deficiency) is said to have 3 deficient miles. (Appendix A on page 122 of the report gives the number of deficient miles in each financial district.)

Proposed Primary Funding Allocation System

House Bill 9 requires the Highway Commission to designate a sufficiency level considered adequate and a lesser sufficiency level considered critical to be used to allocate primary highway funds. Half of the primary funds would be allocated based on the number of primary miles below the adequate level in each financial district. The other half would be based on the number of primary miles at or below the critical level in each financial district.

This allocation method double counts the critical primary miles because these miles are also included as miles below the adequacy level. Therefore, financial districts with substantial critical mileage will receive a large percentage of the available primary funds. One way to lessen this double counting of critical miles would be to base one-fourth of the allocation on critical miles and three-fourths on miles below the adequate level.

Amendment to House Bill 9

The following amendment to House Bill 9 would distribute the available primary funds with three-fourths based on adequate mileage and one-fourth based on critical mileage.

Page 2, line 16

(3) The department shall then ~~apportion~~ divide DISTRIBUTE 3/4 OF the available state construction funds ~~to~~ for the federal-aid primary system ~~in each district on the basis of the computed ratio into two equal portions and distribute one portion~~ among the financial districts according to the ratios computed in subsection (2)(a) and ~~the other portion~~ 1/4 OF THE AVAILABLE STATE CONSTRUCTION FUNDS FOR THE FEDERAL-AID PRIMARY SYSTEM among the financial districts according to the ratios computed in subsection (2)(b)."

The following chart shows the primary funding allocation for fiscal year 1981-82 with a designated adequate sufficiency level of 60 percent and a designated critical sufficiency level of 40 percent. These are the levels the department indicated were adequate and critical. Also shown is the allocation with the suggested amendment to House Bill 9.

PRESENT AND PROPOSED PRIMARY FUNDING ALLOCATIONS (H.B. 9 ONLY)
Fiscal Year 1981-82 (In Millions of Dollars)

Financial District	Present System		H.B. 9 1/2 0-40% Suff. 1/2 0-60% Suff.		Amended H.B. 9 1/4 0-40% Suff. 3/4 0-60% Suff.	
1 - Kalispell	$ 6.75	12.8%	$14.41	27.2%	$11.20	21.2%
2 - Havre	3.42	6.5	1.88	3.6	2.50	4.7
3 - Wolf Point	5.29	10.0	2.17	4.1	3.14	5.9
4 - Glendive	3.35	6.3	3.04	5.7	2.76	5.2
5 - Lewistown	3.78	7.2	1.69	3.2	2.54	4.8
6 - Great Falls	4.60	8.7	4.39	8.3	4.95	9.4
7 - Helena	2.76	5.2	3.39	6.4	3.33	6.3
8 - Missoula	5.99	11.3	8.54	16.1	7.71	14.6
9 - Butte	2.87	5.4	2.09	4.0	2.50	4.7
10 - Bozeman	4.54	8.6	2.25	4.3	3.11	5.9
11 - Billings	4.71	8.9	5.10	9.6	5.12	9.7
12 - Miles City	4.83	9.1	3.95	7.5	4.03	7.6
	$52.89	100.0%	$52.89	100.0%	$52.89	100.0%

Source: Calculated using the Department of Highways 1980 Primary Highway Sufficiency Ratings. Fiscal Year 1981-82 allocations under present system from Appendix BII of 1982 Performance Audit Report of the Department of Highways.

Financial Districts

Section 60-3-303, MCA, divides the state into 12 financial districts for the allocation of highway funds. These districts are shown in Illustration 7 on page 21 of the report. House Bill 7 provides for five financial districts with boundaries that approximate the department's new administrative districts.

The following chart shows the fiscal year 1981-82 primary funding allocation for the five new financial districts. Allocations are based on House Bill 9 with a critical sufficiency level of 40 percent and an adequate sufficiency level of 60 percent. Also shown is the allocation with the suggested amendment to House Bill 9.

PRESENT AND PROPOSED PRIMARY FUNDING ALLOCATIONS
(H.B. 7 AND H.B. 9)

Fiscal Year 1981-82 (In Millions of Dollars)

Financial District	H.B. 7 Present System	H.B. 7 & H.B. 9 1/2 0-40% Suff. 1/2 0-60% Suff.	H.B. 7 & Amended H.B. 9 1/4 0-40% Suff. 3/4 0-60% Suff.
1 - Missoula, Kalispell	$12.74 / 24.1%	$22.95 / 43.4%	$18.87 / 35.7%
2 - Butte, Bozeman	7.82 / 14.8	4.68 / 8.8	6.12 / 11.6
3 - Havre, Great Falls, Helena	8.55 / 16.1	8.19 / 15.5	8.73 / 16.5
4 - Wolf Point, Glendive, Miles City	14.74 / 27.9	9.93 / 18.8	11.13 / 21.0
5 - Lewistown, Billings	9.04 / 17.1	7.14 / 13.5	8.04 / 15.2
	$52.89 / 100.0%	$52.89 / 100.0%	$52.89 / 100.0%

Source: Calculated using the Department of Highways 1980 Primary Highway Sufficiency Ratings. Total fiscal year 1981-82 allocation from Appendix BII of 1982 Performance Audit Report of the Department of Highways.

Bill Summaries

House Highways and Transportation Committee

HB 353 repeals section 60-2-302 (copy attached) which requires the highway department to establish checking stations at points on the major highways entering the state and to keep them open at all times.

HB 398 requires the department of highways to replace "men working" signs with "crew working" signs.

HB 410 allows the department of highways to allocate state funds to match federal funds available for metropolitan planning, and provides a method for apportioning the funding to cities in excess of 50,000 people.

GP2/BS/1/27

60-2-302. Checking stations required at major points of entry into state. In addition to the power granted to it in 60-2-301, the department shall establish checking stations at convenient points on the major highways entering this state, and the checking stations shall be kept open at all times.

History: En. Sec. 2, Ch. 137, L. 1965; amd. Sec. 85, Ch. 316, L. 1974; R.C.M. 1947, 32-2420.

60-2-303. Cooperation in use of ports of entry and checking stations. The department shall cooperate with other agencies and political subdivisions of this state in the use of the ports of entry or checking stations so that maximum use can be made of the facilities in enforcement of the laws of this state.

History: En. Sec. 3, Ch. 137, L. 1965; amd. Sec. 86, Ch. 316, L. 1974; R.C.M. 1947, 32-2421.

CHAPTER 3

DISTRIBUTION AND APPORTIONMENT OF HIGHWAY FUNDS

Part 1 — Federal-Aid Funds

Section
60-3-101. Assent to federal law.
60-3-102. Purposes.
60-3-103. Purposes for which federal funds to be expended.
60-3-104. Extent of interest acquired.
60-3-105. Expenditure of funds.

Part 2 — State Funds

60-3-201. Distribution and use of proceeds of gasoline dealers' license tax.
60-3-202. Funding highway system maintenance.
60-3-203. Districts for apportionment of department funds.
60-3-204. Apportionment of state construction funds.
60-3-205. Apportionment of state funds to federal-aid primary highway system.
60-3-206. Apportionment of state funds to federal-aid secondary highway system.
60-3-207. Secondary highway information.
60-3-208. Apportionment of state funds to federal-aid off-system roads.
60-3-209. Apportionment of state funds to federal-aid interstate highway system.
60-3-210. Increases in obligations.
60-3-211. Apportionment of state funds to federal-aid urban highways.
60-3-212. Interim apportionment to match federal-aid funds.
60-3-213. Allocation for safety construction programs.
60-3-214. Construction or reconstruction of bridges.
60-3-215. Replacement of bridges.
Sections 60-3-216 through 60-3-220 reserved.
60-3-221. Priority primary routes defined.
60-3-222. Selection of routes.
60-3-223. Allocation of funds.
60-3-224. Apportionment of funds.
60-3-225. Excess obligations.
Sections 60-3-226 through 60-3-230 reserved.
60-3-231. Economic growth center defined.
60-3-232. Department of highways to determine centers.
60-3-233. Allocation of funds.
60-3-234. Apportionment of funds.

ROLL CALL VOTE ------ 1983 HIGHWAYS AND TRANSPORTATION COMMITTEE

	Date: 1/27 No: HB 7	Date: 2/17 No: HB 636 Table	Date: 2/17 No: HB 443 Do Pass	Date: 2/17 No: HB 636 Reconsider	Date 2/19 No: HB 636 Amend.	Date No:	Date: No:
ABRAMS	Y	N	Y	Y	Y		
ZABROCKI	Y	Y	Y	Y	N		
BROWN	A	Y	Y	N	N		
COMPTON	Y	Y	Y	N	Y		
HAMMOND	Y	N	N	Y	N		
HARP	Y	N	N	Y	N		
HEMSTAD	Y	N	Y	Y	N		
HOWE	Y	Y	N	N	A		
KENNERLY	Y	Y	N	N	N		
KEYSER	Y	Y	Y	N	Y		
KOEHNKE	Y	Y	Y	N	Y		
LYBECK	Y	N	N	Y	N		
O'CONNELL	Y	N	Y	Y	N		
SHONTZ	A	N	N	Y	N		
SOLBERG	N	Y	Y	N	Y		
STOBIE	Y	Y	Y	N	Y		
UNDERDAL	Y	Y	Y	Y	Y		

CS-31

1.

MINUTES OF THE MEETING
HIGHWAYS & TRANSPORTATION
MONTANA STATE SENATE

February 10, 1983

The meeting of the Highways & Transportation Committee was called to order by Chairman Mark Etchart on February 10, 1983 at 1:00 p.m. in Room 410, State Capitol.

ROLL CALL: Roll was called with Senators Etchart, Hager, Elliott, Shaw, Tveit, Graham, Manning, and Daniels, present. Senator Stimatz was absent.

HOUSE BILL NO. 7: Hearing commenced on House Bill No. 7, sponsored by Representative Harp, District 19. This is an act providing for congruence of Highway Commission Districts and Highway Financial Districts. This bill amends the present law to reduce the number of financial districts from 12 to 5 and to make their boundaries congruent with those of the Highway Commission Districts. This bill revises the boundaries of the Highway Commissioner Districts, to make them identical with Administrative Districts of the Department of Highways, except for a few minor variations. The intention of the Interim subcommittee was that the Commissioner and the Administrative Districts should be identical, so that the Commissioner and the Highway Administrator in the District can establish effective working relationships. He gave each member a copy of Chapter III, Financial District Law, and read parts from it. They are underlined in yellow, see Exhibit 1.

Gary Wicks, Director, Department of Highways, told the committee the Department is in support of House Bill No. 7. We agree with everything that has been stated.

Senator Graham asked if the five Highway Commissioners were from each of these five districts.

Mr. Wicks, said yes, by only by accident.

There were no further proponents and no opponents. There being no further discussion, hearing on House Bill No. 7 was closed.

HOUSE BILL NO. 408: Hearing commenced on House Bill No. 408, sponsored by Representative Driscoll, House District 69, Billings. This bill requires that every freight train have as its last car a caboose occupied by at least one railroad employee. This is primarily for safety reasons. Some of these freight trains are between 4,000 and 9,000 feet in length and travel through small towns at 50 to 60 miles per hour. They cannot see the entire train from the front. I have ten witnesses here and will turn it over to them.

Tom Hanning, Havre, Montana, spoke in support of House Bill No. 408. He read from prepared testimony, see Exhibit 2.

Jim Murry, Executive Secretary of the Montana State AFL-CIO, spoke in support of House Bill No. 408. He read from prepared testimony, see Exhibit 3.

Raymond R. West, Havre, Montana, spoke in support of House bill No. 408. He read from prepared testimony. See Exhibit 4.

Morris W. Gullickson, representing the United Transportation Union, Livingston, spoke in support of House Bill No. 408. He read from prepared testimony. See Exhbit 5.

Joe Zawada, Representing himself as a Burlington Northern Locomotive Engineer, spoke in support of the bill. He read from prepared testimony, see Exhibit 6.

Mike Walker, Helena, representing the Montana State Council of Professional Fire Fighters, spoke in support of House Bill No. 408. He read from prepared testimony. See Exhibit 7.

Frank H. Nord, Glendive, representing himself, spoke in support of the bill. He read from prepared testimony, see Exhibit 8.

Calvin L. Burr, Jr., Chairman of the Brotherhood of Locomotive Engineers, spoke in support of the bill. He spoke from prepared testimony, see Exhibit 9.

Jim Mular, Butte, Brotherhood of Railway and Airline Clerks, spoke in support of House Bill No. 408. I rise in support of this legislation because of the safety reasons.

Carl Knutson, representing the Brotherhood of Maintenance of Way Employees, spoke in Support of House Bill No. 408. He read from prepared testimony. See Exhibit 10.

Representative Ted Schye, Glasgow, told the committee he supports House Bill No. 408, for the reason of public safety.

G. E. Albertson, representing himself, spoke in support of the bill. The agreement signed by Burlington Northern in 1974, states all trains operating will have a caboose, except in cases of extreme emergency.

Representative Joe Brand, told the committee he supported the bill. There are a few things that have not been said. One deals with fail safe equipment. There is no equipment made today by man that is fail safe. When the Burlington Northern Railroad merged into the company they are today, they told us by merging there would be more competition and better services in the state and that we should support this merger for those reasons.

What really happened, in reality, was one company then went out of business, and filed bankruptcy. Now BN set's the freight rates. In 1977, the cost of a freight car out of Colstrip, Montana, was $4.82 per ton. The cost of that car today is $10.34 per ton. This is a huge increase. In the past they have talked about economics. Burlington Northern made money, a 35% increase, to $123,000,000 in the fourth quarter. I don't think it is necessary to take the caboose off the train, for economic reasons. I think this is a good bill, a good safety measure.

Tom Dowling, Montana Railroad Association, spoke in opposition to House Bill No. 408. He told the committee he did not know it was against the law to make money, and he did not know they had taken all the caboose's off the trains. He handed out an Agreement, see Exhibit 11, and had the committee look at Pages 14 through 17, which he read parts of. You will find that the issue of the caboose has been addressed in the Collective Bargaining Agreement. He handed out Exhibit 12 to the Committee, "Cabooseless Trains: A sign of the Times?". He handed out Exhibit 13, "End of the Line"; and Exhibit 14, "Derail the Cabooses".

Claude Sheak, St. Paul, MN, representing the Burlington Northern Railroad Company, spoke in opposition to House Bill No. 408. He read from prepared testimony given the committee. See Exhibit No. 15. He also passed out Exhibit No. 16, "SAB HARMON Electronic Caboose Encoder/Transmitter Preliminary Information".

Bartlett R. Brown, Salt Lake City, Utah, representing the Union Pacific Railroad, told the committee he is opposed to House Bill No. 408 for the reasons stated previously.

Don Scott,Burlington Northern Railroad said he opposes the bill. It would cost an extra 92¢ a mile to operate the caboose, and this is passed on to the consumer, and we are against anything that raises consumer prices.

Jack Hayne, representing the Teton Pondera Farm Bureau said they are opposed to House Bill No. 408. They are opposed to any added cost to the product.

J. W. Green, Butte-Anaconda Pacific Railroad, spoke in opposition to House Bill No. 408. He said most of the things he wanted to say had already been covered.

Gil Thiel, Burlington Northern, said he opposes the bill for all of the reasons already stated.

There were no further opponents or proponents to House Bill No. 408.

Senator Graham asked Joe Zawada if he had any vision of the end of the train from where he sat.

Mr. Zawada told the Senator he has a small mirror, and a window directly behind him. He can see quite a bit of the train on a curve, but according to regulation, he has to keep his eyes straight ahead.

Senator Graham asked if there was a record of equipment failures?

Mr. Zawada said no. They do not have that information.

Senator Graham asked if equipment failure happens frequently.

Mr. Zawada said everything fails occasionally, but the number of times is very low.

Senator Tveit asked Mr. Sheak if there would be an elimination of jobs because of House Bill No. 408.

Mr. Sheak said there will be no elimination of jobs. The person who would have sat in the caboose, would be moved to the engine.

Senator Tveit asked what would guarantee the safety of persons as the train passes through towns with no reduced speeds.

Mr. Sheak said there will be more people looking back from the engine, and you also have all of the equipment detectors and safety equipment that would indicate problems.

Senator Shaw asked how the switch's are changed when the train pulls in and out of sidings.

Mr. Sheak said the train would stop or slow down and let a man off as they pass the switch, and they are also currently working on spring switch's.

In closing, Representative Driscoll said this is an issue of safety. No one has the right to bargain on public safety. If they are going to keep the employee and put them in the engine, why not leave them in the caboose. If this bill passes, I request that Senator Bob Brown carry the bill on the floor of the Senate.

There being no further discussion, hearing on House Bill No. 408 was closed.

ADJOURN: There being no further business before the committee, the meeting was adjourned at 2:28 p.m.

Mark Etchart

Senator Mark Etchart,
Chairman

ME/cdf

ROLL CALL

SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE

48 ~~47~~th LEGISLATIVE SESSION -- ~~1981~~ 1983

Date 3/10

NAME	PRESENT	ABSENT	EXCUSED
Senator Mark Etchart, Chairman	✓		
Senator Hager, Vice Chairman	✓		
Senator Elliott	✓ left at 1:15 - gone out of room		
Senator Shaw	✓ late		
Senator Tveit	✓		
Senator Graham	✓		
Senator D. Manning	✓		
Senator Stimatz		✓	
Senator Daniels	✓ late		
Paul Verdon, Leg. Council	✓		
Carol Doyle Frasier, Secretary	✓		

Page 1

DATE 2/10/83

COMMITTEE ON Highways

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Check One: Oppose
Thomas J. Brown	Burlington Northern RR Co.	HB408		X
Donald Scott	BN RAILROAD	✓		✓
Gil Thiel	" "	✓		✓
J.C. Duquette	B.N. R. Co.	HB408.		✓
W.C. Bleak	"	✓		✓
B.R. Brown	Union Pacific RR	HB408		✓
John Delaney	Mont RR	"		✓
Bill Coplin	BNRR	"		✓
Wayne Buell	MPSC	408		
J.E. Albertson	Myself	HB 408	X	
R.R. West	myself	—	X	
Tom Hanning	—	—	X	
Joe Zaneda	—	—	X	
Frank Nord	✓	408	X	
Tom Dowling	Mont R.R. Assn	HB408		X
Tom Judge	Jim Murry MT STATE AFL-CIO	HB 408	X	
Jack Hayne	YELDU-PONDERA FARM BUREAU	HB408		X
J.W. Gruner	Butte, Anaconda & PacRR	HB 408		X
Cal Burg Jr.	504 7th Ave North Havre	HB 408	X	
Joe Brand	Rep Dist 28	HB408	X	
Morris Sullivan	UNITED TRANSPORTATION UNION LIVINGSTON	HB408	X	
Jim Mular	Butte BRAC	HB 408	X	
[illegible]	Cleaning Bro Mtc W. Emp	HB408	X	
Jim Murry	Mont AFL-CIO	HB408	X	
Mike Walker	Mt. State Council of Professional Fire Fighters	HB 408	X	

(Please leave prepared statement with Secretary)

Page 1

DATE 2/10/83

COMMITTEE ON Highways

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Ted Schyc	State Rep. H.D. 4	408	V	

(Please leave prepared statement with Secretary)

CHAPTER III

FINANCIAL DISTRICT LAW

The financial district law was enacted in 1927 by the Legislature. The law divides the state into twelve geographic regions for the allocation of highway funds. Its original function appears to have been to assure that road construction occurred throughout the state. The law has changed little since 1927 with the exception of establishing different allocation methods for interstate, primary, secondary, urban, and off-system funds.

Illustration 7 shows a map of the financial districts. Each region receives a funding allocation for each road system according to the following criteria:

--Interstate funds are allocated to each financial district based on the cost to construct or reconstruct the interstate roads in that district.

--Primary funds are allocated to each district based on the number of deficient primary road miles in that district. This method is an interpretation of the financial district law by the department. The number of deficient miles for a segment of highway is the percentage deficiency from a perfect road times the length of the segment. For example, a 10-mile segment of road with a 30 percent deficiency is said to have 3 deficient miles. (See Appendix A for detail.)

--Secondary funds are allocated to each district based on the rural population, the rural road mileage (excluding primary and interstate), the land area, and the rural taxable valuation. These funds are in turn allocated to the counties based on the same criteria.

--Urban funds are allocated to each city of over 5,000 population based on population.

--Off-system funds are allocated the same way as secondary funds.

The department also receives federal funds for other types of projects such as bridge replacement and hazard elimination. These funds are not allocated to areas of the state. Appendix B shows the allocations by road system for fiscal year 1981-82. The federal government has not released any off-system funds for fiscal year 1981-82 and may not in the future.

We examined the financial district law after discussions with department officials revealed that the law has considerable impact on their ability to schedule projects. The following sections detail our analysis of the law and its weaknesses. The discussions are divided into those which impact the interstate and primary systems and those which impact the local systems (i.e., secondary, urban, and off-system).

INTERSTATE AND PRIMARY

The interstate and primary systems are grouped together because they are the major roads for travel across the state and are planned, built, and maintained by the state. Our examination of the financial district law revealed a major concern related to the primary system allocation. The allocation criteria in the law limit the department's ability to effectively schedule projects. Also, the definition of a deficient road in the primary system is unrealistic.

The interstate system is not affected as much by the financial district law because the interstate lies in fewer districts and the department has greater flexibility in moving funds among these districts. Also, funds are allocated based on the costs to construct or reconstruct the interstate in each district, which we believe is

more appropriate than the primary distribution formula. For these reasons our comments in the following section are directed mostly at the primary system.

Primary Road Funding Allocation

As mentioned earlier, primary funds are allocated to each district based on deficient primary road miles in that district. Basing the allocation on deficient road mileage does not take into account variations in cost from area to area and variations in the type of work needed to be performed. Construction in the mountains of western Montana can cost much more than construction on the plains of eastern Montana. Two six-mile projects constructed in 1980 show this difference. One project in the mountains of southwest Montana cost $4.1 million, while the other on the plains of central Montana cost $2.5 million. In addition, roads in similar overall condition can require repairs costing drastically different amounts. In 1980, the department constructed two twelve-mile overlay projects. One cost $1.4 million, while the other cost nearly twice as much at $2.7 million. The major difference in these two projects was the thickness of the overlay.

With twelve financial districts, the funding for each district is quite small. For fiscal year 1981-82, the allocations ranged from a high of $6.7 million to a low of $2.8 million. With these small allocations, the mileage of road which could be constructed or overlayed in each district is minimal since the average cost for construction is about $680,000 per mile, while the average cost for overlays is about $140,000 per mile. These figures only include

actual payments to contractors and not other department costs. With small allocations and high construction costs, the projects tend to be small, and small projects have higher overhead costs as a percentage of construction costs. For example, the $2.8 million allocation would construct only about four miles of road.

As noted previously, interstate money is allocated based on the cost to construct or reconstruct the interstate in each financial district. Primary funds are allocated based on deficient primary mileage. The department may increase the interstate allocation to any district up to 300 percent in a given year, provided that future allocations are reduced to "pay back the loan." The flexibility on the primary system is much less since allocations may only be increased by 25 percent. The department has violated the law because of this lack of flexibility. We found two districts in which the department had overspent the fiscal 1980-81 primary allocations in excess of the statutory maximums.

The financial district law does not allocate primary funds to the areas of the state with the worst primary roads as defined by the department. We noted that two of the financial districts have about 60 percent of the primary road mileage which are in critical need of repair, according to the department. However, the allocations for these two districts amount to only 24 percent of the primary funds. To compound the problem, these districts tend to have higher per mile construction costs when compared to a statewide average. This is mainly due to their location in the western mountainous part of the state.

The financial district law causes projects to be constructed based upon their priority within their respective financial districts regardless of their priority statewide. We compared the department's district-by-district priority rankings with the department's listing of the top 48 projects statewide. We found several cases in which the top priority in a district was low on the statewide list or not even on the list. As an example, the top priority in Financial District 12 ranks 36th overall. However, the 11th priority in Financial District 8 ranks 30th overall. In other words, financial districts with many critical miles can have several projects that on a statewide basis would rank higher than the top priority project of a district with few or no critical miles. But the statewide ranking has little meaning since the top priority projects in each district receive that district's funding.

Our analysis indicates the department also has problems with coordinating funds for projects which cross financial district boundaries. To build the project as a single unit, the funding in both districts must be available at the same time. If funding is not available, the project must be delayed until funds are available or split into projects small enough for the funding to be adequate. In both cases, the costs are increased. Also, the department's accounting for funds is complicated since the department must keep track of funds by district. A project which crosses district boundaries must be given a different project number for each district and the costs associated with each project number must be accounted for separately.

With allocations based on a standard of 60 percent, Financial District 1 would receive $2 million more, while Financial District 3 would receive $2 million less. The result is that financial districts with the most critical miles as defined by the department would get more funds and thus more miles of road could be reconstructed in those districts.

Changing the definition of deficient roads to only include those sections which do not meet "adequate" standards would improve the distribution of primary funds. Basing the distribution on the cost of the needed improvements for those deficient sections would be better than basing it solely on deficiency since cost of improvements takes into account the differences in construction costs among areas of the state. The cost of improvements method also considers the differences in cost for various reconstruction needs.

Possible Revisions

All of these concerns point to the need to substantially revise the financial district law as it applies to the primary system. The following are some possible revisions that would improve the distribution of primary funds.

One change could be to decrease the number and increase the size of financial districts. For example, five large districts rather than twelve small ones would minimize several of our concerns. The number five is chosen because it would coincide with the number of commission districts and field regions. This is discussed further in Chapter IV. This change would increase the size of allocations which would reduce splitting of projects, add flexibility

in where money could be spent, and reduce interdistrict coordination problems. This change would also benefit the interstate system for the same reasons.

A logical extension of reducing the number of financial districts would be to prioritize and fund projects on a statewide basis. This would effectively eliminate financial districts and would further reduce our concerns. The department could fund projects where the need is greatest. In addition, projects can be larger and hence have lower percentage of overhead costs. Splitting and delaying projects should be greatly reduced.

Eliminating financial districts for the interstate and primary systems would require the department to develop procedures for analyzing construction needs for these systems throughout the state. These procedures should result in statewide priorities for interstate and primary projects and corresponding fund allocations for the projects.

If the financial district system is retained, the allocation criteria for primary roads should be changed from deficient mileage to cost of improvements needed on deficient roads, similar to the interstate. This would shift funding to the areas with roads in more critical need of repair. Also, variations in cost from area to area and project to project would be taken into account.

RECOMMENDATION #1

WE RECOMMEND THE LEGISLATURE EITHER:

A. ELIMINATE FINANCIAL DISTRICTS FOR THE INTERSTATE AND PRIMARY SYSTEMS AND ALLOW THE DEPARTMENT TO SET PROJECT PRIORITIES AND ALLOCATE FUNDS ON A STATEWIDE BASIS; OR

EXHIBIT 5

REALIGNING HIGHWAY COMMISSION AND FINANCIAL DISTRICTS

A Report by Paul E. Verdon, Staff Researcher
to Joint Subcommittee on Highways
June 8, 1982

In response to committee instructions at the May 18 meeting, the researcher has consulted with the Department of Highways to formulate a new alignment of counties into highway commission districts to resemble more closely the department's administrative districts that were reconstituted last month in a statewide reorganization.

The intention is to make the commission districts and the administrative districts congruent so that the commissioner can identify more closely with the activities in his area and maintain a meaningful advisory and consulting relationship with the department's management team.

A logical further step would be the amendment of the financial district law to reduce the number of districts from twelve to five and to make these new larger districts identical with the proposed commission-administration districts. This change, in essence, would assure that all functions--planning, financing, construction, maintenance, administration, and policy-making--would occur within similar geographic constraints and would utilize the coordinated talents and efforts of the same group of people in each region.

Achievement of this objective, of course, will require abandonment of commission and financial district concepts that are almost six decades old and that in some instances will require far-reaching modifications, particularly in the configuration of the huge eastern Montana commission district.

As now constituted, the commission districts include these counties:

District 1. Lincoln, Flathead, Sanders, Lake, Mineral, Missoula, Ravalli, Granite, Lewis and Clark, Jefferson, Broadwater;

District 2. Powell, Deer Lodge, Silver Bow, Beaverhead, Madison, Gallatin, Meagher, Wheatland, Park, Sweet Grass;

District 3. Glacier, Toole, Liberty, Hill, Blaine, Pondera, Teton, Chouteau, Cascade, Judith Basin;

District 4. Fergus, Petroleum, Garfield, Phillips, Valley, McCone, Prairie, Dawson, Wibaux, Richland, Roosevelt, Daniels, Sheridan;

District 5. Golden Valley, Stillwater, Carbon, Big Horn, Yellowstone, Musselshell, Rosebud, Treasure, Custer, Powder River, Carter, Fallon.

Realignment of commission districts to conform with administrative districts would result in this arrangement:

District 1. Lincoln, Flathead, Sanders, Lake, Mineral, Missoula, Ravalli, Granite, Powell.

District 2. Beaverhead, Deer Lodge, Silver Bow, Jefferson, Madison, Gallatin, Park, Meagher, Broadwater.

District 3. Glacier, Pondera, Teton, Cascade, Lewis and Clark, Chouteau, Toole, Liberty, Hill, Blaine.

District 4. Phillips, Valley, Daniels, Sheridan, Roosevelt, Garfield, McCone, Dawson, Richland, Wibaux, Carter, Fallon, Powder River, Custer, Prairie, Rosebud.

District 5. Judith Basin, Fergus, Petroleum, Wheatland, Musselshell, Golden Valley, Treasure, Yellowstone, Big Horn, Carbon, Sweet Grass, Stillwater.

A statistical comparison of the proposed new districts:

	'80 Veh. Regist.	1980 Popul.	Area (Sq.Mi.)	Fed.Aid Primary, Interst. Mileage	Rural Rd. Mileage (Incl. Secondary)
Dist. 1	162,468	209,291	23,340	1,284.4	11,803.1
Dist. 2	100,714	132,219	22,920	1,177.6	8,040.9
Dist. 3	136,823	185,949	27,288	1,053.3	17,745.7
Dist. 4	91,253	97,141	46,867	1,789.3	22,469.4
Dist. 5	130,722	161,212	26,620	1,171.1	11,297.3

Under this proposal, the commission and financial districts are congruent, and all counties are intact. Boundaries of department administrative districts, as currently constituted, vary slightly because the counties of Powell, Beaverhead, Lewis and Clark, Judith Basin and Phillips have been divided for purposes of operating efficiency.

It is perhaps a fortuitous coincidence that enactment of these district changes by the 1983 legislature would vacate no highway commission seat whose present occupant's term extends beyond this year. The term of the only serving commissioner whose county of residence would be moved to a new district expires at the end of this year, and that commissioner has stated publicly he desires to terminate his service.

Effective dates of legislation to realign financial districts should be July 1, 1983, so the department's allocation of funds for the biennium can correspond with fiscal years.

A proposal to modify the financial district law was requested by Senator Elliott who asked that the allocation criteria be changed to require that one-half of the construction funds be apportioned according to critical need and the remaining one-half be allocated as under existing statute.

This change could be effected by amending 60-3-205, MCA, thus:

Existing Districts

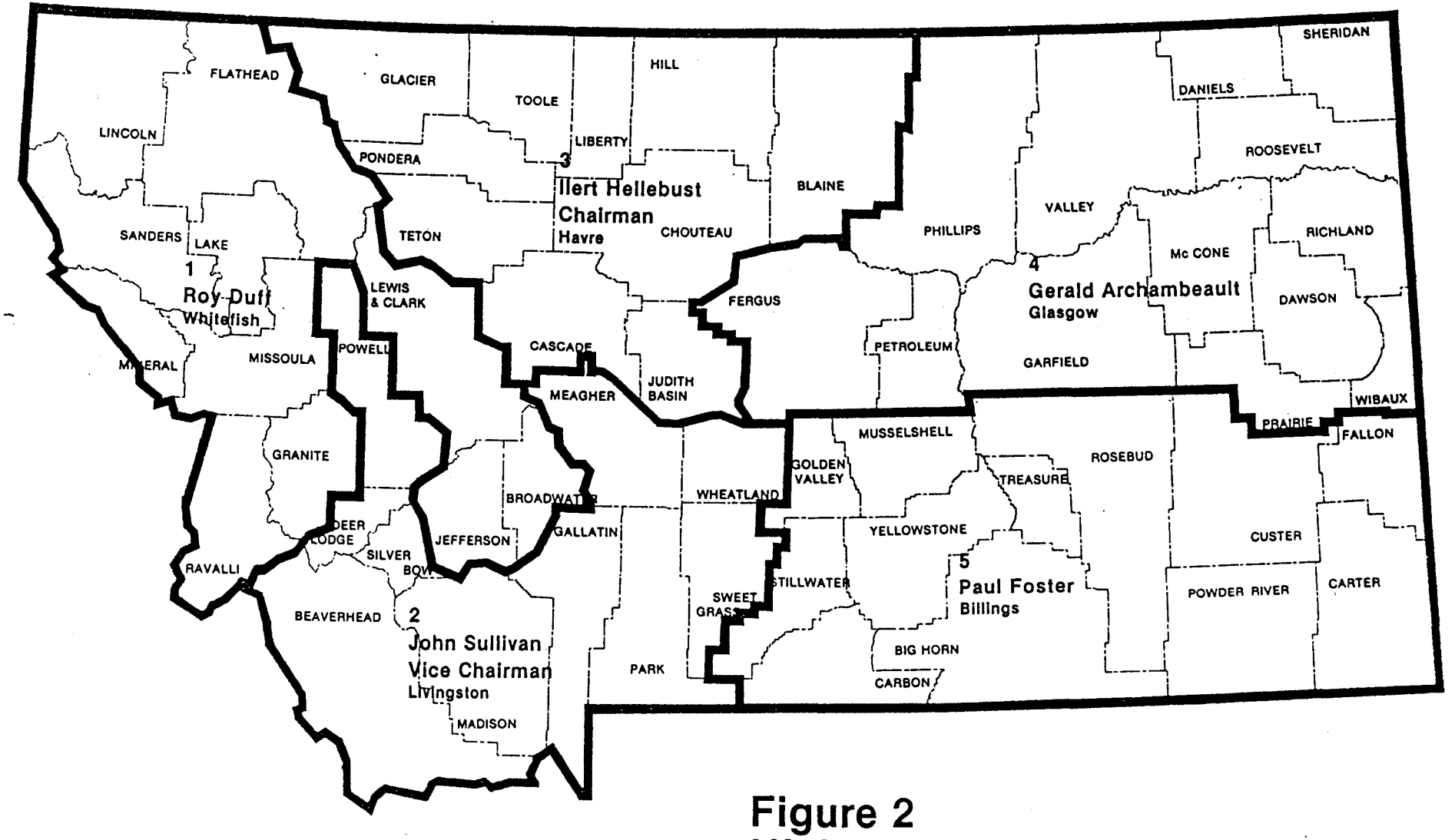


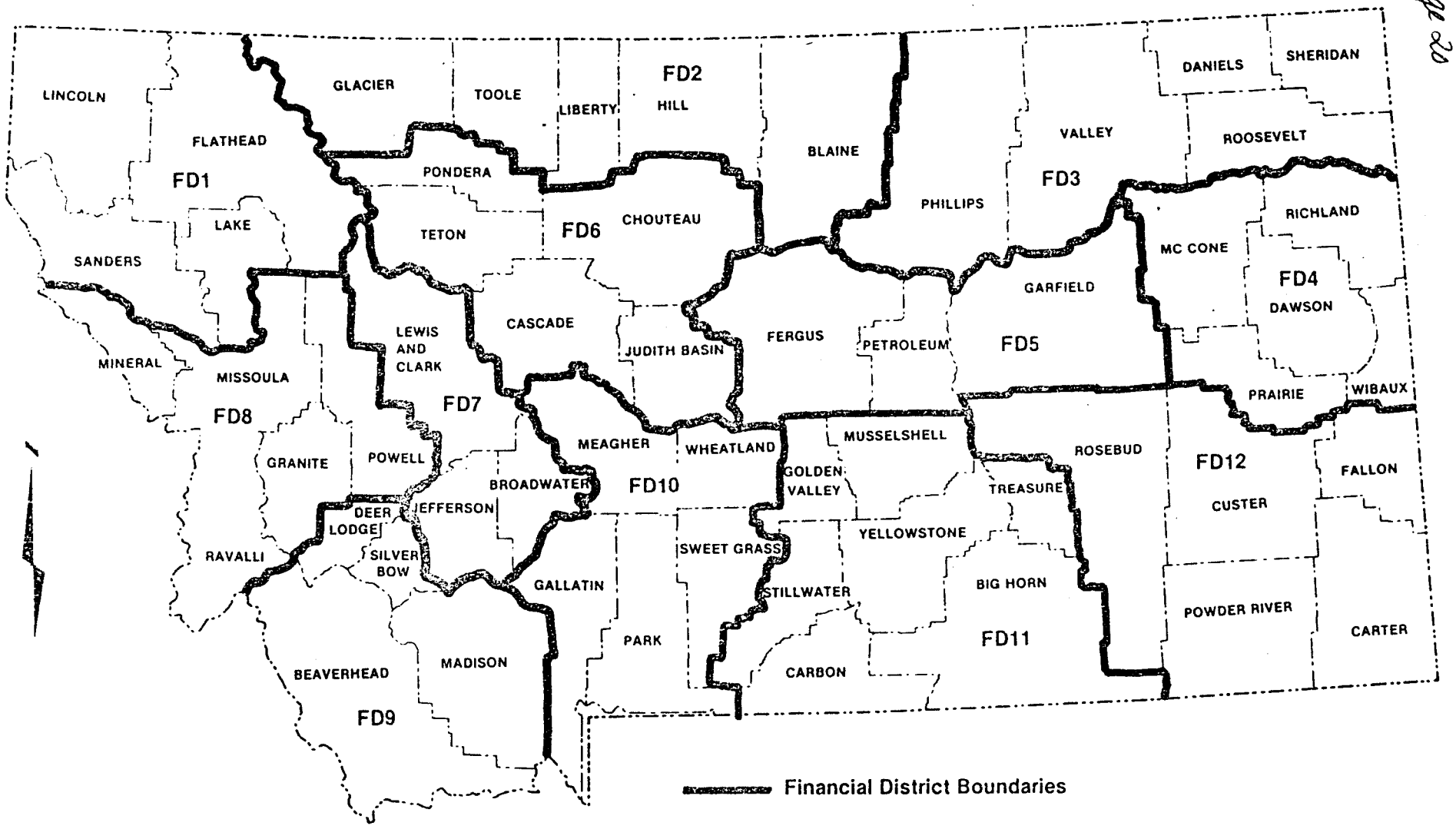
Figure 2
Highway Commissioner Districts

Commissioner District Boundaries

3 Commissioner District Numbers

Existing districts

FINANCIAL DISTRICTS



SOURCE: Department of Highways records.

Illustration 7

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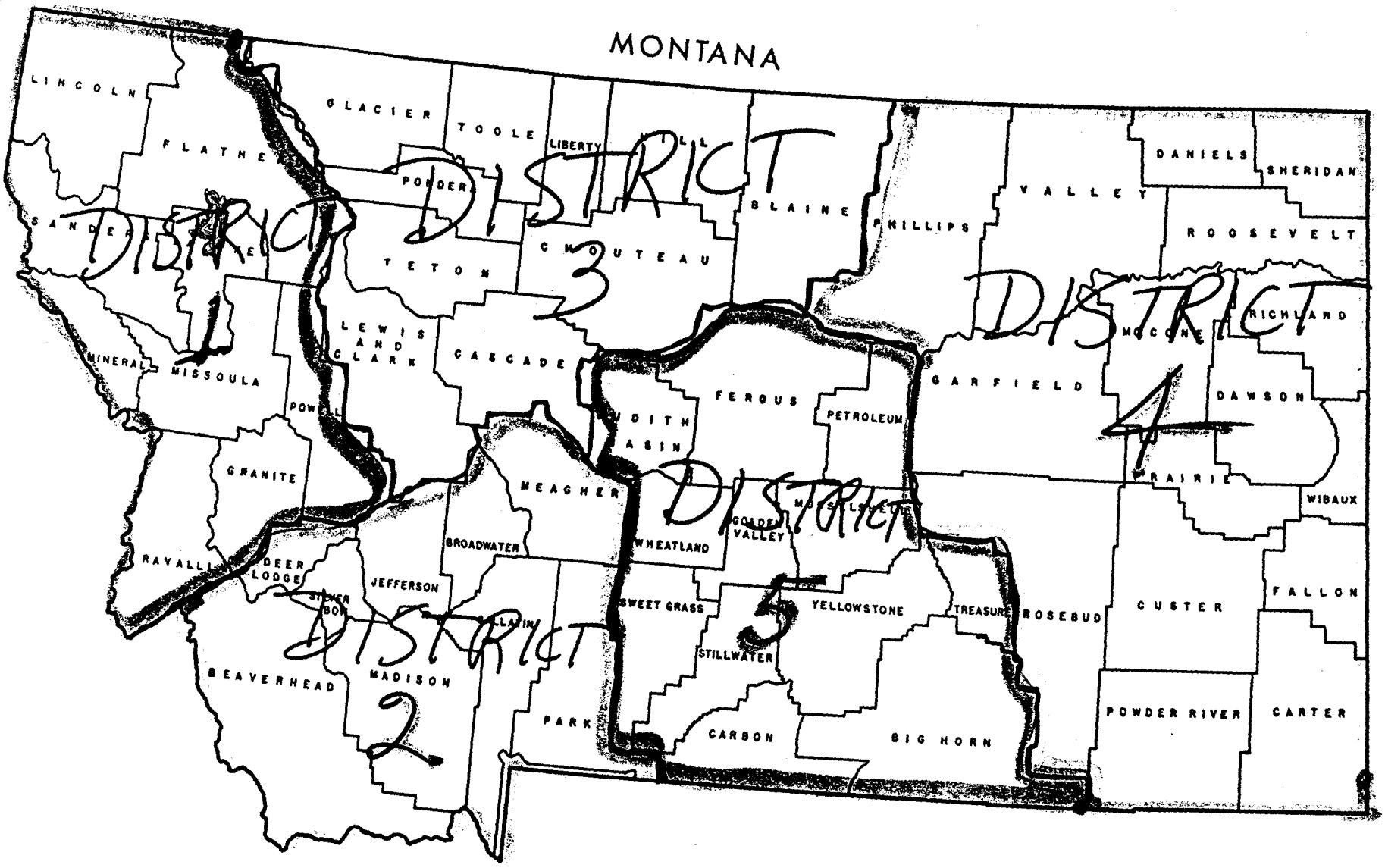
Proposed districts



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Allocation of Highway Construction Funds

Type of Fund	Allocated to	Factors for Federal Apportionment	State Financial District Distribution Factors	Criteria for State Project Selection
1. Interstate	Financial Districts	Cost of completing system compared to total cost of completion nationally.	Estimated cost of completing system in each financial district compared to cost of completion statewide. Interstate 4R Program (resurfacing) is not distributed by financial district.	Uncompleted projects that match the dollars available, 4R projects selected on need for resurfacing.
2. Primary	Financial Districts	Area, rural population, rural delivery route mileage, intercity route mileage	Ratio of deficient primary mileage in each financial district to the total deficient primary mileage in state.	Sufficiency ratings, accident rates, recommendations of staff, maintenance costs, public requests.
3. Secondary	Financial Districts	Area, rural population, rural delivery route mileage and intercity mail route mileage.	Rural population, land area, rural road mileage and value of rural land in each financial district and county.	Priorities established by county commissioners with concurrence of DOH.
4. Urban	Cities of 5,000+ population	Urban population	Proportion of population.	Priorities established by Technical Advisory Committees and the Policy Coordinating Committees.
5. Economic Growth Centers	Approved Growth Centers	Three active growth centers per state.	Ratio of number of miles of primary, secondary, and urban roads in need of upgrading in each center compared to total in all centers.	Deficit mileage in area of influence of each center.

* Other minor funding sources or programs include; Bridge Replacement, Rail-Highway crossings, Hazard Elimination, Pavement Marking, Highway Safety, Forrest Highway, Highway Planning and Research and The Reconstruction Trust.

GH:mb:21M

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Exhibit 2

NAME: Tom Hanning DATE: 2-10-83

ADDRESS: 618 17th St. Havre, Montana.

PHONE: (406) 265-6806

REPRESENTING WHOM? Self.

APPEARING ON WHICH PROPOSAL: HB-408 Senate Hearing

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: I support this Legislation As very Necessary to the public safety as well as the safety to crew members on trains. Please See the Attached statement.

I am A B.N. Conductor.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Mr. Chairman — Committeeman Exhibit 2

PRIOR TO FEBRUARY 1, 1949 EACH FRIEGHT CREW HAD THEIR OWN CABOOSEWHICH WAS TAKEN OFF EACH TRAIN AT THE HOME AND DISTANT TEREMIAL. THIS CABOOSE WAS THE CREWS HOME AWAY FROM HOME, THEY WERE FURNISHED WITH LOCKERS, AND EACH CREW PROVIDED THIER OWN COOKING AND SLEEPING GEAR, AS THESE THINGS WERE DONE ON THE CABOOSE. ON FEB. 1, 1949 A NEGOTIATED AGREEMENT BECAME EFFECTIVE, THAT ALLOWED THE COMPANY TO POOL CABOOSES BETWEEN BRECKENRIDGE, MINN. AND HILLYARD, WA.. THAT AGREEMENT PROVIDED THAT CABOOSES RUN TO AND FROM THESE POINTS WOULD BE MAINTAINED BY OTHER THEN TRAINMEN, THE COMPANY WOULD PROVIDE LOCKED STORAGE AND WASHROOM FACILITIES FOR THE CREWS WHERE CABOOSES ARE RUN THROUGH AND CREWS ARE CHANGED. ALSO THE CREW WOULD RECEIVE ONE CENT A MILE FOR USING RUN THROUGH CABOOSES. IN AUG. 1952 A FUTHER AGREEMENT BECAME EFFECTIVE GIVING THE COMPANY AUTHORITY TO EXTEND THESE LIMITS.

IN 1974 AN AGREEMENT WAS SIGNED BY THE BURLINGTON NORTHERN AS TO HOW THESE CABOOSES WERE TO BE MAINTAINED. THIS AGREEMENT WAS SOUGHT AND NEGOTIATED BECAUSE THE CABOOSES WERE FALLING INTO SERIOUS DISREPAIR.

THIS PAST HISTORY OF NEGOTIATIONS CONCERNING CABOOSES HAS PROVED THE UNIONS ARE WILLING TO COMPROMISE THIER POSITION WHEN THE QUESTIONS INVOLVED, CONCERN EXPEDITING TRAIN MOVEMENT OR EMPLOYEE CONVIENCE. THE ISSUE NOW HAS NOTHING TO DO WITH THESE FACTORS. WE ARE NOW TALKING ABOUT SAFETY, NOT ONLY OF THE TRAIN CREW BUT OF EVERY PERSON LIVING NEAR THE RIGHT OF WAY. THE LAST SETTLEMENT OF OUR CONTRACT WAS FORCED ON US BY THE ~~CONGRESS~~ President's Emergency Bd. & The People in WASH D.C. THE MAJORITY OF ~~THOSE CONGRESSMEN~~ WERE NOT AWARE

OF A CABOOSE ISSUE BEING INVOLVED. THERE CONCERN WAS KEEPING THE RAILROADS RUNNING AND THEY WERE UNDER PRESSURE TO DO THIS AS RAPIDLY AS POSSIBLE. WE ARE SURE, HAD THEY HAD MORE TIME TO STUDY THE ISSUES, MANY OF THEM WOULD HAVE OPPOSED THE CABOOSE RECOMMENDATIONS ON THE GROUNDS THAT IT IS A DIRECT SAFETY ISSUE EFFECTING EVERY STATE, NOT A LABOR-MANAGEMENT ISSUE.

THE RAILROAD LABOR ACT IS UNIQUE, IN THAT IT SPELLS OUT ALL OF OUR NEGOTIATING PROCESSES, EVEN TO THE CREATION OF THE PRESIDENTIAL EMERGENCY BOARD AND FINAL SETTLEMENT BY CONGRESS. WE FEEL IN THE LAST NEGOTIATIONS, THE COMPANY CHOSE NOT TO BARGAIN COLLECTIVELY FOR A SETTLEMENT, BUT TO FORCE THE CONTRACT TO THE EMERGENCY BOARD. CONSIDERING THE PRESENT CLIMATE TOWARD LABOR UNIONS ON A NATIONAL LEVEL, FOR INSTANCE PATCO, THEY FELT IT TO THIER ADVANTAGE TO LET THE GOVERNMENT SETTLE THE CONTRACT. ~~THE~~ THE UTU WAITED TO RATIFY OUR AGREEMENT TO SEE THE REACTION OF CONGRESS TO THE ENGINEERS STRIKE, WE FOUND NO SERIOUS STUDY OF THE RECOMMENDATIONS BUT AN ACCEPTANCE OF SEC OF LABOR DONOVANS ASSESSMENT. WE DO HONOR ~~AGREE TO~~ THE CONTRACT AS IT EFFECTS LABOR MANAGEMENT QUESTIONS BUT WE ~~WE~~ MUST LOOK TO OTHER MEANS SUCH AS ~~THIS BILL~~ HB 408 TO ASSURE ~~SAFETY & PROTECTION~~. ALL REASONABLE PRECAUTIONS ~~ARE~~ Must be TAKEN FOR THE SAFE OPERATION OF TRAINS. UNFORTUNATLY THERE ARE NO STATISTICS KEPT AS TO THE ACCIDENTS AVOIDED, BECAUSE OF THE ~~REAR END~~ Caboose CREWS ALERTNESS, BUT THERE IS NO DOUBT IN THE MINDS OF ANY RAILROADER IN TRAIN SERVICE, ~~THEY ARE~~ WE ARE ALL SAFER BECAUSE OF THEM.

Thank you

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Exhibit 3

MONTANA STATE AFL-CIO
APRIL 29 1956

Box 1176, Helena, Montana

JAMES W. MURRY
EXECUTIVE SECRETARY

ZIP CODE 59624
406/442-1708

TESTIMONY OF JIM MURRY, ON HOUSE BILL 408, BEFORE THE SENATE COMMITTEE ON HIGHWAYS AND TRANSPORTATION, FEBRUARY 10, 1983

I am Jim Murry, executive secretary of the Montana State AFL-CIO. I am here to speak in support of House Bill 408, which would require an occupied caboose on any freight train operating within our state.

We believe this bill provides essential protection to those working on the trains as well as to public safety, health and property. A trained and skilled railroad employee occupying a caboose can monitor the train for a number of potentially dangerous situations, and has access to various safety devices, including a stop valve.

That employee can detect derailed cars and dragging equipment, fires in railroad cars, or along the tracks and monitor for shifting loads. Any of these situations can endanger public safety and property, if prompt action is not taken.

This is especially important because the length of frieght trains has increased as has the danger of the goods which they carry. These include such things as combustiable goods, caustic chemicals and radioactive waste. So it is even more important in Montana's mountainous terrain that there be an occupied caboose on freight trains.

Although the railroad has installed some monitoring devices, they are not fail-safe, and they can never take the place of an occupied caboose. Current devices can monitor for air pressure and hot wheels, but not for the other instances which could cause major accidents and disasters.

We urge you to vote for House Bill 408 for the well-being and safety of all Montanans. Thank you.

PRINTED ON UNION MADE PAPER

NAME: Raymond R. West DATE: 2-10-83

ADDRESS: 1152 Cleveland Avenue. Havre, Montana

PHONE: 265-6190

REPRESENTING WHOM? My self

APPEARING ON WHICH PROPOSAL: Caboose bill HB408

DO YOU: SUPPORT? Yes AMEND? _____ OPPOSE? _____

COMMENTS: List of supplies needed in Cabooses, and lighting, markers, and etc.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Exhibit 4

Mr. Chairman and Committee Members.

I am Raymond West from Haur. I have 33 years of service with the former Great Northern, and Burlington Northern railroad. With my experience in train service, I would like to point out some facts, how important it is to have a Caboose on the rear end of all freight trains. The Caboose is a vital part of the train, and is used for various different things, it is a utility Car, for Carrying supplys, such as flagging equipment, fire extinguisher, first aid kit, spare knuckles, air hoses, tow Chain, air hose Wrench, hammer, Chisel, Packing hook and spoon. The use of these tools is to make minor repairs to Cars in the train. It usually takes less time to make a minor repair to a Car, than set the Car out of the train. This will expedite the movement of that Car, and does not delay the freight. This kind of service keeps our Customers satisfied.

Cabooses are equiped With electric lights on the rear end, one a spot light for inspecting the track behind your

Exhibit 4

of other trains. When meeting on double track, or at sidings. The red mars light is used for rear end Protection of your train. These lights on the rear of a Caboose, makes the rear end of a train more visible to motorists When approaching grade Crossings in making reverse Maulements.

Cabooses are also equiped With back up Whistle to Warn Pedestrians Crossing tracks behind train, and in addition the Conductor has a brake Value to stop the train if necessary.

I feel safety is the most important issue, and I support HB 408 for that reason.

Thank you

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Exhibit 5

WITNESS STATEMENT

Name Morris W. Gullickson

Committee On Hwys & Trans

Address Livingston, Mt.

Date 2/10/83

Representing United Transportation Union

Support X

Bill No. HB 408

Oppose

Amend

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Mr. Chairman and Committee Members;
For the record, I am Morris Gullickson representing the United Transportation Union. I am a Conductor with more than 30 years service operating trains from Laurel to Helena, Montana.

2. I would like to explain the position of members of a freight Train crew. Normanl there are two men in the lead cab of a engine. The head trainman and the engineer. These two people watch for signals ahead and any obstructions or anything effecting the operation of the train. They also watch the train behind, on each side, as much as possible. The caboose has two employees, a
3. conductor and rear trainman. They each sit faceing forward one on each side of the cupola, watching the train.

They watch for anything unusal along the train, like smoke, sparks, dragging equipment, shifting loads, torn up road crossings, and any derailed cars. They also watch the condition of the track behind the caboose, which can
4. indicate problems on the train. They look for hand signals from wayside personal. They spot grass and forest fires created by the trains.

When any of the mentioned conditions are discovered it is there responsibility to take measures to stop the train and fix or set out any defective car.

This is a matter of course in our job and is very common. There is no record of how many major accidents that are prevented each day in the state. The elimination of the caboose increases the risk factor of a major accident.

To insure that the safety level of freight train operation, in Montana remains at the same level a caboose should remain on all freight trains.

I urge your passage of HB 408, and will be happy to answer any questions.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

FORM CS-34
1-83

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NAME: Joe Zawada DATE: 2/10/83

ADDRESS: 429 Deerfield Ct.

PHONE: 727-2199

REPRESENTING WHOM? Myself as a BN Loco. Engineer

APPEARING ON WHICH PROPOSAL: HB 408 (caboose bill)

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: I am here supporting HB 408. My comments are on Train crew and public safety. Please see attached form.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Exhibit 6

Mr. CHAIRMAN AND committee members my name is JOE ZAWADA. I work AS AN engineer for The Burlington Northern in Great Falls. I am here To support HB. 408. ALL you ever hear about are The accidents That do happen but nothing of Those That are prevented by having a crew riding in a caboose at The rear of a Train. On Dec. 31st 1982 The conductor on Train 382 which operates ~~betw~~ between Sweet Grass and Great Falls happened to notice a patch of grass burning on The right of way beside The Track. Train 382 handles hundreds of cars of hazardous materials in a year. On That day 382 consisted of between 121 - 127 cars approximatly a mile and a half long. When The conductor spotted The SMALL fire he called The engineer and told him to stop the Train so they could check it over. While walking The Train they found a car 69 cars behind The engines That had a hot rollerbearing which if not found in a short Time they will cause a derailment. Trains travel through this area at 49 M.P.H. Approximatly 5-10 cars behind The car with The hot rollerbearing were several hazardous material cars containing amoung other various dangerous cars, propane, Anhydrous Ammonia. So you can see in just this one case if it hadn't been for The crew riding on The caboose at The rear of This train a disaster could very well have Taken

Exhibit 6

place. What I haven't mentioned is That the town of Brady was on 3-4 miles up the Track. With the length of Trains today and the surronding terrian they travel Through you need crews riding both ends of the Train to watch it closely to ~~prevent~~ ~~accidents~~ try and prevent a disaster from happening. I would appriciate your support of HB408. Thank you.

NAME: Mike Walter DATE: 2/10/83

ADDRESS: 226 Wallace, Helena

PHONE: 442,6929

REPRESENTING WHOM? Montana State Council of Professional Fire Fighters

APPEARING ON WHICH PROPOSAL: HB 408

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: From a safety stand point we feel that caboose equiped trains provides a greater margin of safety with trains handling from 8,000 to 40,000 Gallons of combustable fuels per car. We have experienced numerous grass fires caused by trains and fortunately for departments throughout the State a good portion of these fires were reported via the caboose & engineer radio. Fire is the most catastrophic disaster one could endure. Mix that fire with 40,000 to 100,000 Gallons of fuel and mix that with what ever other compounds & chemicals your normal everyday train may carry and you have the potential of obliterating an entire community. I urge your support of HB 408 for a safer Montana

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

(This sheet to be used by those testifying on a bill.) EXHIBIT 8

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NAME: FRANK H. NORD DATE: 2-10-83

ADDRESS: 408 N. NOWLAN AVE. GLENDIVE, MT. 59330

PHONE: 365-3834

REPRESENTING WHOM? MY SELF

APPEARING ON WHICH PROPOSAL: HOUSE BILL 408

DO YOU: SUPPORT? YES AMEND? _____ OPPOSE? _____

COMMENTS: I AM A BN CONDUCTOR FROM GLENDIVE WITH 28 YEARS OF SERVICE. THE LENGTH OF TRAINS HAVE BEEN INCREASED OVER THE PAST 10 YEARS. THE AVERAGE LENGTH OF TRAINS TO DAY BEING FROM 5000 TO 9000 FEET LONG. WITH TRAINS THIS LONG IT IS VERY HARD TO SEE THE ENTIRE TRAIN FROM ONE END.

THERE ARE MANY THINGS THAT CAN GO WRONG ON THESE LONG TRAINS. ALL OF THESE THINGS CAN & DO CAUSE DE-RAILMENTS. BY THE BN RULES THE REAR EMPLOYEE'S, ALSO HAVE TO CHECK THE TRACK BEHIND THE CABOOSE, TO SEE IF ANY THING IS DRAGING OR TEARING UP THE TRACK IN ANY WAY. THERE WOULD BE NO WAY TO CHECK THE TRACK BEHIND THE TRAIN WITH

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

OUT A CABOOSE, SO I DO SAY THERE IS NO SAFE WAY TO OPERATE A FREIGHT TRAIN WITH OUT A CABOOSE. I URGE PASSAGE OF THIS BILL AND I WANT TO THANK YOU FOR LISTENING. I AM OPEN FOR QUESTIONS.

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Exhibit (9)

Mr. Chairman & Members of the Committee

I am Calvin Burr and I am the Chairman of the Brotherhood of Locomotive Engineers Montana State Legislative Board.

I am a locomotive engineer with 35½ years service with the former Great Northern and now the Burlington Northern Railroad.

I live and work out of Havre, Montana. I am very concerned about having to operate a train without caboose. With radio equipped caboose, the attendant in the caboose is able to assist the engineer by letting him know that the brakes have released, how much air pressure is on the rear of the train, and when we have the train moving. This all helps the engineer. With this assistance from the caboose on the long trains that we are handling, we have about stopped "break intos". At times, we are required to make reverse movements and with a brakeman in the caboose, this can be done safely.

The railroads are currently experimenting with a new way to make an air test; it is called an air flow test. With this type of air brake test, you must know what the air pressure is on the rear of the train. This will cause us problems when we have a long train and are required to pick up cars at different stations along the way and have to make an air brake test.

I urge you to support this bill.

Thank you.

Calvin L. Burr Jr.

WITNESS STATEMENT

Name Calvin L. Burr Jr. Committee On _____

Address 509 7th Ave North Havre Date 2/10/83.

Representing Brotherhood of Locomotive Engr Mont State Leg Board. Support ✓

Bill No. 408 Oppose _____

Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

FORM CS-34
1-83

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NAME: Carl Knutson DATE: 2-10-83

ADDRESS: 220 So. Pearson Glendive, MT

PHONE: 365-4194

REPRESENTING WHOM? Bro. of Mtn. of Way Emp.

APPEARING ON WHICH PROPOSAL: HB 408

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: My name is Carl Knutson, representing BMWE. I am a section foreman on the Burlington Northern Ry., sharing with others the responsibility of building and maintaining safe tracks and inspecting moving trains.

If cabooses are removed I forsee a multitude of serious accidents.

the reason being that I have been associated with railroading for over 35 years and have been witness to hundreds of near hazardous derailments, averted only by alert personel on the front end and rear of a train.

I hope for the safety of rail personel, cities, towns and communities that you support HB 408.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

2/10/83 [illegible] sheet to be used by those testifying on a bill.)

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NAME: Ted Schye DATE: Feb 10

ADDRESS: N. S. R.

PHONE: 228 - 2154

REPRESENTING WHOM? Self (State Rep H.D. 4)

APPEARING ON WHICH PROPOSAL: H.B. 408

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

rm CS-34
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NAME Tom Dowling BILL NO. H.B 408

ADDRESS Helena DATE

WHOM DO YOU REPRESENT Mont RR Assn

SUPPORT OPPOSE X AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

A G R E E M E N T

THIS AGREEMENT, made this 15th day of October, 1982 by and between the participating carriers listed in Exhibit A, attached hereto and made a part hereof, and represented by the National Carriers' Conference Committee, and the employees of such carriers shown thereon and represented by the United Transportation Union, witnesseth:

IT IS HEREBY AGREED:

ARTICLE I - GENERAL WAGE INCREASES

Section 1 - First General Wage Increase (for others than Dining Car Stewards and Yardmasters)

(a) Effective April 1, 1981, all standard basic daily and mileage rates of pay of employees represented by the United Transportation Union in effect on March 31, 1981 shall be increased by an amount equal to 2 percent. The cost-of-living allowance of 58 cents per hour in effect on March 31, 1981 will not be included with basic rates in computing the amount of this increase.

(b) In computing the increase for enginemen under paragraph (a) above, 2 percent shall be applied to the standard basic daily rates of pay, and 2 percent shall be applied to the standard mileage rates of pay, respectively, applicable in the following weight-on-drivers brackets, and the amounts so produced shall be added to each standard basic daily or mileage rate of pay:

Passenger	- 600,000 and less than 650,000 pounds
Freight	- 950,000 and less than 1,000,000 pounds (through freight rates)
Yard Engineers	- Less than 500,000 pounds
Yard Firemen	- Less than 500,000 pounds (separate computation covering five-day rates and other than five-day rates)

(c) The standard basic daily and mileage rates of pay produced by application of the increases provided for in this Section 1 are set forth in Appendix 1, which is a part of this Agreement.

Section 2 - Second General Wage Increase (for others than Dining Car Stewards and Yardmasters)

Effective October 1, 1981, all standard basic daily and mileage rates of pay of employees represented by the United Transportation Union in effect on September 30, 1981, shall be increased by an amount equal to 3 percent, computed and applied for enginemen in the manner prescribed in Section 1 above. The cost-of-living allowance of 90 cents per hour in

effect on September 30, 1981 will not be included with basic rates in computing the amount of this increase. The standard basic daily and mileage rates of pay produced by application of this increase are set forth in Appendix 2, which is a part of this Agreement.

Section 3 - Third General Wage Increase (for others than Dining Car Stewards and Yardmasters)

Effective July 1, 1982, all standard basic daily and mileage rates of pay of employees represented by the United Transportation Union in effect on June 30, 1982, shall be increased by an amount equal to 3 percent, computed and applied for enginemen in the manner prescribed in Section 1 above. The cost-of-living allowance of $1.25 per hour in effect on June 30, 1982 will not be included with basic rates in computing the amount of this increase. The standard basic daily and mileage rates of pay produced by application of this increase are set forth in Appendix 3, which is a part of this Agreement.

Section 4 - Fourth General Wage Increase (for others than Dining Car Stewards and Yardmasters)

Effective July 1, 1983, all standard basic daily and mileage rates of pay of employees represented by the United Transportation Union in effect on June 30, 1983, shall be increased by an amount equal to 3 percent, computed and applied for enginemen in the manner prescribed in Section 1 above. The amount of the cost-of-living allowance which will be in effect on June 30, 1983 will not be included with basic rates in computing the amount of this increase. The standard basic daily and mileage rates of pay produced by application of this increase are set forth in Appendix 4, which is a part of this Agreement.

Section 5 - Application of Wage Increases

(a) (i) In engine service, all arbitraries, miscellaneous rates or special allowances, based upon mileage, hourly or daily rates of pay, as provided in the schedules or wage agreements, shall be increased commensurately with the wage increases provided for in this Article I.

(ii) In train and yard ground service, arbitraries, miscellaneous rates or special allowances, including those expressed in terms of miles, as provided in the schedules or wage agreements, shall be increased under this Agreement in the same manner as heretofore increased under previous wage agreements.

(b) In determining new hourly rates, fractions of a cent will be disposed of by applying the next higher quarter of a cent.

(c) Daily earnings minima shall be increased by the amount of the respective daily increase.

(d) Standard monthly rates and money monthly guarantees in passenger train service shall be thirty times the new standard daily rates. Other than standard monthly rates and money monthly guarantees shall be so adjusted that differentials existing as of March 31, 1981 shall be preserved.

(e) Existing monthly rates and money monthly guarantees applicable in train service other than passenger will be increased in the same proportion as the daily rate for the class of service involved is increased.

(f) Existing money differentials above existing standard daily rates shall be maintained.

(g) In local freight service, the same differential in excess of through freight rates shall be maintained.

(h) The differential of $4.00 per basic day in freight and yard service, and 4¢ per mile for miles in excess of 100 in freight service, will be maintained for engineers working without firemen on locomotives on which under the former National Diesel Agreement of 1950 firemen would have been required.

(i) In computing the increases in rates of pay effective April 1, 1981 under Section 1 for firemen, conductors, brakemen and flagmen employed in local freight service, or on road switchers, roustabout runs, mine runs, or in other miscellaneous service, on runs of 100 miles or less which are therefore paid on a daily basis without a mileage component, whose rates had been increased by "an additional $.40" effective July 1, 1968, the 2 percent increase shall be applied to daily rates in effect March 31, 1981, exclusive of car scale additives, local freight differentials, and any other money differential above existing standard daily rates. For firemen, the rates applicable in the weight-on-drivers bracket 950,000 and less than 1,000,000 pounds shall be utilized in computing the amount of increase. The same procedure shall be followed in computing the increases of 3 percent effective October 1, 1981, 3 percent effective July 1, 1982, and 3 percent effective July 1, 1983. The rates produced by application of the standard local freight differentials and the above-referred-to special increase of "an additional $.40" to standard basic through freight rates of pay are set forth in Appendices 1, 2, 3 and 4, which are a part of this Agreement.

(j) Other than standard rates:

(i) Existing basic daily and mileage rates of pay other than standard shall be increased, effective as of the effective dates specified in Sections 1 through 4 hereof, by the same respective percentages as set forth therein, computed and applied in the same manner as the standard rates were determined.

(ii) The differential of $4.00 per basic day in freight and yard service, and 4¢ per mile for miles in excess of 100 in freight service, will be maintained for engineers working without firemen on locomotives on which under the former National Diesel Agreement of 1950 firemen would have been required.

(iii) Daily rates of pay, other than standard, of firemen, conductors, brakemen and flagmen employed in local freight service, or on road switchers, roustabout runs, mine runs, or in other miscellaneous service, on runs of 100 miles or less which are therefore paid on a daily basis without a mileage component, shall be increased as of the effective dates specified in Sections 1 through 4 hereof, by the same respective percentages as set forth therein, computed and applied in the same manner as provided in paragraph (i) above.

(k) Wage rates resulting from the increases provided for in Sections 1, 2, 3 and 4 of this Article I, and in Section 1(g) of Article II, will not be reduced under Article II.

Section 6 - General Wage Increases for Dining Car Stewards and Yardmasters

Effective April 1, 1981 all basic monthly rates of pay of dining car stewards and yardmasters represented by the United Transportation Union in effect on March 31, 1981 shall be increased by 2 percent. The cost-of-living allowance of 58¢ per hour in effect on March 31, 1981 will not be included with basic rates in computing the amount of this increase.

The rates produced by such increase shall be further increased as follows:

Effective October 1, 1981 - 3%
The cost-of-living allowance of 90 cents per hour in effect on September 30, 1981 will not be included with basic rates in computing the amount of this increase.

Effective July 1, 1982 - 3%
The cost-of-living allowance of $1.25 per hour in effect on June 30, 1982 will not be included with basic rates in computing the amount of this increase.

Effective July 1, 1983 - 3%
The amount of the cost-of-living allowance which will be in effect on June 30, 1983 will not be included with basic rates in computing the amount of this increase.

Rates of pay resulting from the increases provided for in this Section 6, and Section 1(g) of Article II, will not be reduced under Article II.

ARTICLE II - COST-OF-LIVING ADJUSTMENTS

Section 1 - Amount and Effective Dates of Cost-of-Living Adjustments

(a) A cost-of-living adjustment increase of 32 cents per hour will be made effective July 1, 1981. The amount of such adjustment will be added to the cost-of-living allowance of 58 cents per hour remaining in effect. As result of such adjustment, the cost-of-living allowance effective July 1, 1981 will be 90 cents per hour.

(b) A further cost-of-living adjustment increase of 35 cents per hour will be made effective as of January 1, 1982. The amount of such adjustment will be added to the cost-of-living allowance of 90 cents per hour remaining in effect. As result of such adjustment the cost-of-living allowance effective January 1, 1982 will be $1.25 per hour.

(c) A further cost-of-living adjustment increase of 22 cents per hour will be made effective as of July 1, 1982. The amount of such adjustment will be added to the cost-of-living allowance of $1.25 per hour remaining in effect. As result of such adjustment the cost-of-living allowance effective July 1, 1982 will be $1.47 per hour.

(d) The cost-of-living allowance resulting from the adjustments provided for in paragraphs (a), (b) and (c) above will subsequently be adjusted, in the manner set forth in and subject to all the provisions of paragraphs (h) and (i) below, on the basis of the "Consumer Price Index for Urban Wage Earners and Clerical Workers (Revised Series) (CPI-W)" (1967 = 100), U.S. Index, all items - unadjusted, as published by the Bureau of Labor Statistics, U.S. Department of Labor, and hereinafter referred to as the BLS Consumer Price Index. The first such cost-of-living adjustment shall be made effective January 1, 1983, based (subject to paragraph (h)(i) below) on the BLS Consumer Price Index for September 1982 as compared with the index for March 1982. Such adjustment, and further cost-of-living adjustments which will be made effective the first day of each sixth month thereafter, will be based on the change in the BLS Consumer Price Index during the respective measurement periods shown in the following table subject to the exception in paragraph (h)(ii) below, according to the formula set forth in paragraph (i) below:

Measurement Periods		Effective Date
Base Month (1)	Measurement Month (2)	of Adjustment (3)
March 1982	September 1982	January 1, 1983
September 1982	March 1983	July 1, 1983
March 1983	September 1983	January 1, 1984

(e) While a cost-of-living allowance is in effect, such cost-of-living allowance will apply to straight time, overtime, vacations, holidays and to special allowances and arbitraries in the same manner as basic wage adjustments have been applied in the past.

(f) The amount of the cost-of-living allowance, if any, which will be effective from one adjustment date to the next may be equal to, or greater or less than, the cost-of-living allowance in effect in the preceding adjustment period.

(g) On December 31, 1983 the cost-of-living allowance in effect on January 1, 1983 shall be rolled into basic rates of pay and the cost-of-living allowance remaining in effect will be reduced by a like amount. On June 30, 1984, 50% of the cost-of-living allowance then in effect (rounded to the next higher cent if the allowance consists of an odd number of cents) shall be rolled into basic rates and the cost-of-living allowance remaining in effect will be reduced by a like amount.

(h) Cap. (i) In calculations under paragraph (i) below, the maximum increase in the BLS Consumer Price Index (C.P.I.) which will be taken into account will be as follows:

Effective Date of Adjustment (1)	Maximum C.P.I. Increase Which May Be Taken into Account (2)
January 1, 1983	4% of March 1982 CPI
July 1, 1983	8% of March 1982 CPI, less the increase from March, 1982 to September, 1982.
January 1, 1984	4% of March 1983 CPI

(ii) If the increase in the BLS Consumer Price Index from the base month of March 1982 to the measurement month of September 1982, exceeds 4% of the March base index, the measurement period which will be used for determining the cost-of-living adjustment to be effective the following July 1 will be the twelve-month period from such base month of March; the increase in the index which will be taken into account will be limited to that portion of increase which is in excess of 4% of such March base index, and the maximum increase in that portion of the index which may be taken into account will be 8% of such March base index less the 4% mentioned in the preceding clause, to which will be added any residual tenths of points which had been dropped under paragraph (i) below in calculation of the cost-of-living adjustment which will have become effective January 1 during such measurement period.

(iii) Any increase in the BLS Consumer Price Index from the base month of March 1982 to the measurement month of March 1983 in excess of 8% of the March 1982 base index, will not be taken into account in the determination of subsequent cost-of-living adjustments.

(i) Formula. The number of points change in the BLS Consumer Price Index during a measurement period, as limited by paragraph (h) above, will be converted into cents on the basis of one cent equals 0.3 full points. (By "0.3 full points" it is intended that any remainder of 0.1 point or 0.2 point of change after the conversion will not be counted.)

The cost-of-living allowance in effect on July 1, 1982 as result of application of Section 1(c) will be adjusted (increased or decreased) effective January 1, 1983 by the whole number of cents produced by dividing by 0.3 the number of points (including tenths of points) change, as limited by paragraph (h) above, in the BLS Consumer Price Index during the measurement period from the base month of March 1982 to the measurement month of September 1982. Any residual tenths of a point resulting from such division will be dropped. The result of such division will be added to the amount of the cost-of-living allowance in effect on July 1, 1982 if the Consumer Price Index will have been higher at the end than at the beginning of the measurement period, and subtracted therefrom only if the index will have been lower at the end than at the beginning of the measurement period.

The same procedure will be followed in applying subsequent adjustments.

(j) Continuance of the cost-of-living adjustments is dependent upon the availability of the official monthly BLS Consumer Price Index (CPI-W) calculated on the same basis as such Index, except that, if the Bureau of Labor Statistics, U.S. Department of Labor, should during the effective period of this Agreement revise or change the methods or basic data used in calculating the BLS Consumer Price Index in such a way as to affect the direct comparability of such revised or changed index with the CPI-W Index during a measurement period, then that Bureau shall be requested to furnish a conversion factor designed to adjust the newly revised index to the basis of the CPI-W Index during such measurement period.

Section 2 - Application of Cost-of-Living Adjustments

In application of the cost-of-living adjustments provided for by Section 1 of this Article II, the cost-of-living allowance will not become part of basic rates of pay except as provided in Section 1(g). Such allowance will be applied as follows:

(a) For others than dining car stewards and yardmasters, each one cent per hour of cost-of-living allowance will be treated as an increase of 8 cents in the basic daily rates of pay produced by application of Sections 2, 3 and 4 of Article I and by Section 1(g) of this Article II. The cost-of-living allowance will otherwise be applied in keeping with the provisions of Section 5 of Article I.

(b) For dining car stewards, each one cent per hour of cost-of-living allowance will be treated as an increase of $1.80 in the monthly rates of pay produced by application of Section 6 of Article I and by Section 1(g) of this Article II.

(c) For yardmasters, each one cent per hour of cost-of-living allowance will be treated as an increase of $2.00 in the monthly rates of pay produced by application of Section 6 of Article I and by Section 1(g) of this Article II.

ARTICLE III - VACATIONS

Insofar as applicable to employees represented by the United Transportation Union, the Vacation Agreement dated April 29, 1949, as amended, is further amended effective January 1, 1982, by substituting the following Section 1(c), 1(d) and 1(h) for the corresponding provisions contained in Section 1, as previously amended:

(c) Effective January 1, 1982, each employee, subject to the scope of schedule agreements held by the organizations signatory to the April 29, 1949 Vacation Agreement, having eight or more years of continuous service with employing carrier will be qualified for an annual vacation of three weeks with pay, or pay in lieu thereof, if during the preceding calendar year the employee renders service under schedule agreements held by the organizations signatory to the April 29, 1949 Vacation Agreement amounting to one hundred sixty (160) basic days in miles or hours paid for as provided in individual schedules and during the said eight or more years of continuous service renders service of not less than one thousand two hundred and eighty (1280) basic days in miles or hours paid for as provided in individual schedules.

Beginning with the effective date of the provisions of Article 3 of Agreement "A" dated September 25, 1950, May 25, 1951 or May 23, 1952, on an individual carrier, but not earlier than the year 1960, in the application of this Section 1(c) each basic day in yard service performed by a yard service employee or by an employee having interchangeable road and yard rights shall be computed as 1.6 days, and each basic day in all other services shall be computed as 1.3 days, for purposes of determining qualifications for vacations. (This is the equivalent of 100 qualifying days in a calendar year in yard service and 120 qualifying days in a calendar year in road service.) (See NOTE below.)

Beginning with the year 1960 on all other carriers, in the application of this Section 1(c) each basic day in all classes of service shall be computed as 1.3 days for purposes of determining qualifications for vacation. (This is the equivalent of 120 qualifying days.) (See NOTE below.)

(d) Effective January 1, 1982, each employee, subject to the scope of schedule agreements held by the organizations signatory to the April 29, 1949 Vacation Agreement, having seventeen or more years of continuous service with employing carrier will be qualified for an annual vacation of four weeks with pay, or pay in lieu thereof, if during the preceding calendar year the employee renders service under schedule agreements held by the organizations signatory to the April 29, 1949 Vacation Agreement amounting to one hundred sixty (160)

basic days in miles or hours paid for as provided in individual schedules and during the said seventeen or more years of continuous service renders service of not less than two thousand seven hundred and twenty (2720) basic days in miles or hours paid for as provided in individual schedules.

Beginning with the effective date of the provisions of Article 3 of Agreement "A" dated September 25, 1950, May 25, 1951 or May 23, 1952, on an individual carrier, but not earlier than the year 1960, in the application of this Section 1(d) each basic day in yard service performed by a yard service employee or by an employee having interchangeable road and yard rights shall be computed as 1.6 days, and each basic day in all other services shall be computed as 1.3 days, for purposes of determining qualifications for vacations. (This is the equivalent of 100 qualifying days in a calendar year in yard service and 120 qualifying days in a calendar year in road service.) (See NOTE below.)

Beginning with the year 1960 on all other carriers, in the application of this Section 1(d) each basic day in all classes of service shall be computed as 1.3 days for purposes of determining qualifications for vacation. (This is the equivalent of 120 qualifying days.) (See NOTE below.)

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(The NOTE referred to in Sections 1(c) and 1(d) above reads as follows:

"NOTE: - In the application of Section 1(a), (b), (c), (d) and (e), qualifying years accumulated, also qualifying requirements for years accumulated, prior to the effective date of the respective provisions hereof, for extended vacations shall not be changed.")

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(h) Where an employee is discharged from service and thereafter restored to service during the same calendar year with seniority unimpaired, service performed prior to discharge and subsequent to reinstatement during that year shall be included in the determination of qualification for vacation during the following year.

Where an employee is discharged from service and thereafter restored to service with seniority unimpaired, service before and after such discharge and restoration shall be included in computing three hundred twenty (320) basic days under Section 1(b), one thousand two hundred and eighty (1280) basic days under Section 1(c), two thousand seven hundred and twenty (2720) basic days under Section 1(d), and four thousand (4000) basic days under Section 1(e).

ARTICLE IV - HOLIDAYS

Effective January 1, 1983, the national holiday provisions will be revised to add the day after Thanksgiving Day and to substitute New Year's Eve (the day before New Year's Day is observed) for Veterans Day.

The holiday pay qualifications for Christmas Eve - Christmas shall also be applicable to the Thanksgiving Day - day after Thanksgiving Day and the New Year's Eve - New Year's Day holidays.

ARTICLE V - HEALTH AND WELFARE BENEFITS

Section 1. Continuation of Plan

The benefits now provided under The Railroad Employees National Health and Welfare Plan, modified as provided below, will be continued subject to the provisions of the Railway Labor Act, as amended. Contributions to the Plan will be offset by the expeditious use of such amounts as may at any time be in Special Account A or in one or more special accounts or funds maintained by the insurer in connection with Group Policy Contract GA-23000, and by the use of funds held in trust that are not otherwise needed to pay claims, premiums or administrative expenses which are payable from trust. Detailed contract language effectuating all changes in the Plan called for by this Agreement will be worked out by the Joint Policyholder Committee with the insurer.

Section 2. Benefit Changes

The following benefit changes will be made effective on the first day of the month after the month in which this Agreement becomes effective:

(a) Life Insurance - The maximum life insurance benefit for active employees will be increased from $6,000 to $10,000.

(b) Accidental Death, Dismemberment and Loss of Sight - The maximum accidental death, dismemberment and loss of sight benefit, called the "Principal Sum" in Group Policy Contract GA-23000, will be increased from $4,000 to $8,000. Those accidental death, dismemberment and loss of sight benefits that are payable in the amount of one-half the Principal Sum will thus be increased from $2,000 to $4,000.

(c) Hospital Miscellaneous Benefits - The provision for reimbursement for hospital charges for medical care and treatment (other than charges for room and board, nurses', and physicians' and surgeons' fees), and the excess of charges for intensive care in an intensive care unit over the amount payable otherwise, shall be increased from "not more than $2,000 plus 80% of the excess over $2,000," to "not more than $2,500 plus 80% of the excess over $2,500."

(d) Surgical Expense Benefit -

(i) The maximum surgical benefit for all surgical procedures due to the same or related causes, as well as the maximum basic benefit for any one surgical procedure, will be increased from $1,000 to $1,500; and the $1,000 E Surgical Schedule will be replaced by a $1,500 E Surgical Schedule.

(ii) No surgical expense benefits described in Part E of Article VII of Group Policy Contract GA-23000 will be payable under the Plan with respect to any non-emergency surgical procedure listed below and described in Schedule I to Policy Contract GA-23000 unless the opinions of two surgeons with respect to the medical necessity of the procedure have first been obtained and at least one of those opinions recommends the procedure. Major medical expense benefits described in Part J of such Article will, however, be payable with respect to such a procedure whether or not the opinion of a second surgeon is obtained. The surgical procedures referred to above are:

1. Breast Surgery
2. Bunion Surgery
3. Cataract Surgery
4. Hemorrhoid Operations
5. Hernia Repairs
6. Hysterectomy
7. Gall Bladder Operations
8. Knee Surgery
9. Prostate Operations
10. Rhinoplasty
11. Tonsillectomy & Adenoidectomy
12. Varicose Vein Operations

(e) Radiation Therapy Expense Benefits - The radiation therapy expense benefits and the schedule listing them will be broadened to include chemotherapy treatments; the overall combined maximum radiation therapy and chemotherapy expense benefits for any one person during any one calendar year will be increased from $400 to $600; and the overall combined maximum radiation therapy and chemotherapy expense benefits for any one person for any one accident or sickness will be increased from $400 to $600.

(f) X-Ray or Laboratory Examinations - The maximum medical expense benefit for x-ray and laboratory examinations of any one person during any one calendar year will be increased from $150 to $250.

(g) Physician's Fee Benefit

(i) The maximum amount payable on behalf of an employee or dependent for physician's charges for visits while the employee or dependent is confined as a hospital in-patient will be increased from $10.00 to $12.00 per day of such confinement, and the maximum so payable during any one period of hospital confinement will be increased from $3,650 to $4,380.

(ii) The maximum amount payable for physician's office visits by an employee shall be increased from $10.00 to $12.00, and for home visits from $12.00 to $15.00, per visit, limited as at present to one home or office visit per day and a maximum of 180 such visits in a 12-month period; no benefit payable for the first visit on account of injury or first three visits on account of sickness.

(h) Major Medical Expense Benefits - The maximum aggregate amount payable as major medical expense benefits with respect to any eligible employee or dependent during such person's entire lifetime will be increased from $250,000 to $500,000.

(i) Hospital Emergency Room - To the extent not otherwise covered under the Plan, benefits will be payable for expenses in excess of $50 incurred for the use of hospital emergency room by a covered employee or dependent. To the extent the first $50 of such expenses are not covered by the Plan, they will count toward reaching the cash deductible amount of $100 under the major medical expense benefits provisions of the Plan.

Section 3. Eligibility

The provision under which a new employee becomes a Qualifying Employee, and may become covered and eligible for benefits, on the first day of the first calendar month starting after such employee has completed 60 continuous days during which he has maintained an employment relationship, will be changed to provide that a new employee (employed on or after the first day of the calendar month following the month in which this agreement is executed) will become a Qualifying Employee on the first day of the first calendar month starting after the day on which such employee first performs compensated service; provided, however, that no employee or dependent health benefits described in Article VII of Group Policy Contract GA-23000, other than the major medical benefits described in Part J thereof, will be payable to or on behalf of an employee until the expiration of twelve months after the month during which he first performs compensated service.

Section 4. Coverage for Dependents Health Benefits

If an employee is covered immediately prior to his death with respect to an eligible dependent's health benefits described in Article VII of Group Policy Contract GA-23000, such coverage will continue with respect to those benefits until the end of the fourth month following the month in which the employee's death occurred.

Section 5. Suspended and Dismissed Employees

An employee who is suspended or dismissed from service and is thereafter awarded full back pay for all time lost as a result of such suspension or dismissal will be covered under the Plan as if he or she had not been suspended or dismissed in the first place.

ARTICLE VI - DENTAL BENEFITS

Section 1. Continuation of Plan

The benefits now provided under The Railroad Employees National Dental Plan, modified as provided below, will be continued subject to the provisions of the Railway Labor Act, as amended. Detailed contract language effectuating all changes in the Plan called for by this Agreement will be worked out by the National Carriers' Conference Committee with the insurer.

Section 2. Benefit Changes

The following benefit changes will be made effective on the first day of the month after the month in which this Agreement becomes effective:

(a) The maximum benefit (exclusive of any benefits for orthodontia) which may be paid with respect to a covered employee or eligible dependent in any calendar year will be increased from $750 to $1,000.

(b) The maximum aggregate benefit payable for all orthodontic treatment rendered to an eligible dependent child under the age of 19 during his or her lifetime will be increased from $500 to $750.

(c) The benefit payable with respect to the Type A dental expenses described below will be increased to 100% (from 75%) of such expenses, but only to the extent that they exceed the deductible amount, which will not be changed:

a. Routine oral examinations and prophylaxis (scaling and cleaning of teeth), but not more than once each in any period of 6 consecutive months.

b. Topical application of fluoride for dependent children, but not more than once in any calendar year.

c. Space maintainers designed to preserve the space created by the premature loss of a tooth in a child with mixed dentition until normal eruption of the permanent tooth takes place.

d. Emergency palliative treatment (to alleviate pain or discomfort).

e. Dental x-rays, including full mouth x-rays (but not more than once in any period of 36 consecutive months), supplementary bitewing x-rays (but not more than once in any period of 6 consecutive months) and such other dental x-rays as are required in connection with the diagnosis of a specific condition requiring treatment.

ARTICLE VII - EARLY RETIREMENT MAJOR MEDICAL BENEFITS

Section 1. Continuation of Plan

The benefits now provided under The Railroad Employees National Early Retirement Major Medical Benefit Plan, modified as provided below, will be continued subject to the provisions of the Railway Labor Act, as amended. Detailed contract language effectuating all changes in the Plan called for by this Agreement will be worked out by the National Carriers' Conference Committee with the insurer.

Section 2. Benefit Changes

The following benefit change will be made effective on the first day of the month after the month in which this Agreement becomes effective: The maximum amount payable with respect to any retired or disabled employee covered by the Plan or to any eligible dependent of such a retired or disabled employee will be increased from $50,000 to $75,000.

ARTICLE VIII - NATIONAL HEALTH LEGISLATION

In the event that national health legislation should be enacted, benefits provided under The Railroad Employees National Health and Welfare Plan, The Railroad Employees National Early Retirement Major Medical Benefit Plan, and The Railroad Employees National Dental Plan with respect to a type of expense which is a covered expense under such legislation will be integrated so as to avoid duplication, and the parties will agree upon the disposition of any resulting savings.

ARTICLE IX - EXPENSES AWAY FROM HOME

Effective December 1, 1982, the meal allowance provided for in Article II, Section 2, of the June 25, 1964 National Agreement, as amended, is increased from $2.75 to $3.85.

ARTICLE X - CABOOSES

Pursuant to the recommendations of Emergency Board No. 195, the elimination of requirements for or affecting the utilization of cabooses, as proposed by the carriers in their notice served on or about February 2, 1981, will be handled on an individual railroad basis in accordance with the following agreed upon procedures and guidelines.

Cabooses may be eliminated from trains or assignments in any or all classes of service by agreement of the parties.

Cabooses in all classes of service other than through freight service are subject to elimination by agreement or, if necessary, by arbitration.

In through freight service, cabooses on all trains are subject to consideration in the negotiation of trains that may be operated without cabooses and there is no limit on the number that can be eliminated by agreement. However, there shall be a 25% limitation on the elimination of cabooses in through freight (including converted through freight) service, except by agreement. If arbitration becomes necessary to achieve the 25 percent of cabooses that may be eliminated in through freight service it shall be handled as hereinafter provided.

Section 1. Procedures

(a) When a carrier desires to operate without cabooses in any service, it shall give written notice of such intent to the General Chairman or General Chairmen involved, specifying the trains, runs or assignments, territory, operations and service involved. A meeting will be held within fifteen (15) days from the date of such notice to commence consideration of the carrier's request subject to the guidelines outlined in Section 2 below.

(b) There is no limit on the trains, runs or assignments in any class of service that may be operated without cabooses by agreement. If the carrier and the General Chairman or General Chairmen are able to reach an agreement, the elimination of cabooses pursuant to such agreement may be implemented at the convenience of the carrier.

(c) In the event the carrier and the General Chairman or General Chairmen cannot reach an agreement within sixty (60) days from the date of the notice, either party may apply to the National Mediation Board to provide the first available neutral from the panel provided for below.

(d) Within fifteen (15) days from the date of this Agreement, the parties signatory to the Agreement shall agree on a panel of five qualified neutrals and an alternate panel of five qualified neutrals who shall be available to handle arbitrations arising out of this Article. If the parties are unable to agree on all of the neutrals within fifteen (15) days, the National Mediation Board shall appoint the necessary members to complete the panels. If one or more members of a panel becomes unavailable he shall be replaced under this procedure. A neutral shall not be considered available if he is unable to serve within thirty (30) days from the date requested. Should a neutral be requested and none of the panel members is available to begin review of the dispute with the parties within thirty (30) days of such request, the National Mediation Board shall appoint a non panel neutral in such dispute.

(e) The neutral member will review the dispute and if unable to resolve by agreement the neutral member will, within thirty (30) days after the conclusion of the hearing, make a determination on the proposed elimination of cabooses involved in the dispute. The determination of the neutral member authorizing the elimination of cabooses shall be final and binding upon the parties except that the carrier may elect not to put such determination into effect on certain trains or assignments covered thereby by so notifying the General Chairman in writing within thirty (30) days from

the date of the determination by the neutral. If a carrier makes such an election it shall be deemed to have waived any right to renew the request to remove the caboose from any such train or assignment covered thereby for a period of one year following the date of such determination.

(f) It is recognized that the operating rules, general orders and special instructions should be reviewed and revised by the carrier, where necessary, to accommodate operations without cabooses. Any necessary revision will be in effect when trains are operated without cabooses.

Section 2. Guidelines

The parties to this Agreement adopt the recommendations of Emergency Board No. 195 that the elimination of cabooses should be an on-going national program and that this program can be most effectively implemented by agreements negotiated on the local properties by the representatives of the carriers and the organization most intimately acquainted with the complexities of individual situations.

In determining whether cabooses are to be eliminated, the following factors shall be considered:

(a) safety of employees

(b) operating safety, including train length

(c) effect on employees' duties and responsibilities resulting from working without a caboose

(d) availability of safe, stationary and comfortable seating arrangements for all employees on the engine consist

(e) availability of adequate storage space in the engine consist for employees' gear and work equipment.

Section 3. Conditions

Pursuant to the guidelines described in Section 2, the following conditions shall be adhered to in an arbitration determination providing for operations without cabooses:

(a) Where suitable lodging facilities for a crew are required and the caboose is presently used to provide such lodging, the carrier shall continue to provide a caboose for that purpose until alternate suitable lodging facilities become available.

(b) Except by agreement cabooses will not be eliminated on certain mine runs, locals and road switchers where normal operations require crews to stand by waiting for cars or trains for extended periods of time and such crews cannot be provided reasonable access to the locomotive or other appropriate shelter during such extended periods.

(c) Except by agreement cabooses will not be eliminated from trains that regularly operate with more than 35 cars where the crews are normally required to provide rear-end flagging protection.

(d) Crew members will not as a result of the elimination of cabooses be required to ride on the side or rear of cars except in normal switching or service movements or reverse movements that are not for extended distances.

(e) Additional seating accommodations will not be required on trains having a locomotive consist with two or more cabs equipped with seats. Crews required to deadhead on the locomotive will be provided seating in accordance with Section 2(d).

(f) A carrier may operate a train, run or assignment with a caboose if it so desires despite the fact that it may have the right to operate such train without a caboose.

(g) The conditions and considerations applicable to the elimination of cabooses by agreement of the parties pursuant to this Agreement in each class or type of service shall not be disregarded by the neutral in formulating his award covering a similar class or type service.

Section 4. Through Freight Service

(a) There shall be a 25% limitation on the elimination of cabooses in through freight (including converted through freight) service, except by agreement. The 25% limitation shall be determined on the basis of the average monthly number of trains (conductor trips) operated in through freight service during the calendar year 1981. Trains on which cabooses are not presently required by local agreements or arrangements shall not be included in such count, shall not be counted in determining the 25% limitation, and any allowance paid under such agreements or arrangements shall not be affected by this Article. A carrier's proposal to eliminate cabooses may exceed the minimum number necessary to meet the 25% limitation. However, implementation of the arbitrator's decision shall be limited to such 25% and shall be instituted on the basis established below. In the event a carrier's proposal is submitted to arbitration, it shall be revised, if necessary, so that such proposal does not exceed 50% of the average monthly number of trains (conductor trips) operated in through freight service during the calendar year 1981.

(b) In the selection of through freight trains from which cabooses are to be eliminated, a carrier shall proceed on the basis of the following categories:

(i) trains that regularly operate with 35 cars or less;

(ii) trains that regularly operate with 70 cars or less which are scheduled to make no stops en route to pick up and/or set out cars;

(iii) trains that regularly operate with 70 cars or less which are scheduled to make no more than three stops en route to pick up and/or set out cars;

(iv) trains that regularly operate with 120 cars or less which are scheduled to make no stops en route to pick up and/or set out cars;

(v) trains that regularly operate with 120 cars or less which are scheduled to make no more than three stops en route to pick up and/or set out cars;

(vi) trains that regularly operate with more than 120 cars which are scheduled to make no stops en route to pick up and/or set out cars;

(vii) all other through freight trains.

(c) The implementation of the arbitrator's decision shall be phased in on the following basis: the carrier may immediately remove cabooses from one-third of the trains that may be operated without cabooses, another one-third may be removed thirty (30) days from the date of the arbitrator's decision and the final one-third sixty (60) days from the date of the arbitrator's decision.

Section 5. Purchase and Maintenance of Cabooses

In addition to the foregoing, a carrier shall not be required to purchase or place into service any new cabooses. A carrier shall not be required to send cabooses in its existing fleet through existing major overhaul programs nor shall damaged cabooses be required to undergo major repairs. However, all cabooses that remain in use must be properly maintained and serviced.

Section 6. Subsequent Notices

A carrier cannot again seek to eliminate a caboose on a train, run or assignment where the request has been denied in arbitration unless there has been a change in conditions warranting such resubmission. Conversely, where a carrier has eliminated a caboose on a train, run or assignment and the characteristics of that train, run or assignment are subsequently changed in a way that the General Chairman believes cause it to depart from the guidelines, he may propose restoration of the caboose and, if necessary, invoke binding arbitration.

Section 7. Penalty

If a train or yard ground crew has been furnished a caboose in accordance with existing agreement or practice on a train or assignment prior to the date of this Agreement and such train or assignment is operated without a caboose other than in accordance with the provisions of this Article or other local agreement or practice, the members of the train or yard ground crew will be allowed two hours' pay at the minimum basic rate of the assignment for which called in addition to all other earnings.

Section 8. Restrictions

The foregoing provisions are not intended to impose restrictions with respect to the elimination of cabooses or in connection with operations conducted without cabooses where restrictions did not exist prior to the date of this Agreement.

- - - - -

This Article shall become effective fifteen (15) days after the date of this Agreement.

ARTICLE XI - STUDY COMMISSION

Section 1. Pursuant to the recommendations of Emergency Board No. 195 the parties signatory to this Agreement hereby establish a Study Commission consisting of three partisan members representing the carriers, three partisan members representing the United Transportation Union and a neutral member who shall be Chairman. The Chairman shall be selected by the partisan members within 30 days from the date of this Agreement. If the partisan members of the Commission cannot agree on the Chairman within such 30 days, the partisan members shall request the National Mediation Board to confer with the members and within 15 days of such request select a Chairman.

Section 2. The Commission is authorized and directed to investigate and consider in accordance with the recommendations of Emergency Board No. 195 the subject matters listed below:

Basis of pay and related alternatives
Initial and Final terminal delay
Air hose coupling
Engine exchange
Road/yard restrictions
Supplemental sick pay
Disability pay
Personal leave
Principles and procedures for stabilizing the pay structure of the operating crafts in response to earnings adjustments arising from crew consist agreements.

Section 3. The Commission shall promptly establish its operating procedures, including the formulation of a schedule designed to expedite and enhance the opportunity to reach agreement on all issues at the earliest possible date. The Chairman shall have authority to resolve any differences between the members with respect to determining the procedures under which it will operate, scheduling meetings and the priorities for consideration of the issues. In the event the Chairman is unable to continue his assignment or the partisan members unanimously concur that a successor should be appointed, the procedures set forth above shall be followed in selecting a replacement.

Section 4. In consultation with the members, the Chairman shall promptly establish a time table for negotiations between the parties on the issues submitted to the Commission. If, after 90 days from the date such negotiations begin, the parties have failed to reach agreement or demonstrate evidence of substantial progress in resolving the issues, the Chairman shall convene hearings on the matters in dispute and formulate substantive guidelines to further advance negotiations. The parties shall then negotiate within these guidelines for a period not to exceed 60 days.

Section 5. If, at the end of such 60 day period, agreement has not been reached on all issues, the Chairman shall make recommendations to the parties for disposing of all unresolved issues not later than December 1, 1983. While the recommendations of the Chairman shall not be considered final and binding, the parties affirm their good faith intentions to give full consideration to such recommendations as a means of resolving such matters.

Section 6. The Study Commission shall terminate, unless otherwise agreed to by the parties, 30 days from the date the recommendations have been made.

Section 7. If the parties are unable to resolve all of the issues covered thereby, either party may serve proposals within the framework of any such recommendations in accordance with the Railway Labor Act and the provisions of Article XIII, Section 2(c) of this Agreement.

ARTICLE XII - LUMP SUM PAYMENT

In lieu of personal leave days, a lump-sum payment of $200.00 shall be made not later than the first payroll period ending in July, 1983, to employees covered by this Agreement who (a) have had an employment relationship with their employing carrier under the Agreement with the organization signatory hereto as of April 1, 1981, (b) have continued such employment relationship up to December 31, 1982 and (c) have performed compensated service under such Agreement during the period from April 1, 1981 to December 31, 1982.

There shall be no duplication of lump-sum payments by virtue of employment under an agreement with another organization.

An employee who otherwise meets all of the qualifications outlined above except that he did not have an employment relationship as of the dates specified above because he had been dismissed from service and such employee subsequently is or has been reinstated with seniority unimpaired will be considered eligible to receive the lump-sum payment.

The receipt of the lump-sum payment by an employee will not be considered a factor in connection with nor trigger any other benefit or compensation provided by agreement, such as health and welfare, vacations and guarantees.

ARTICLE XIII - GENERAL PROVISIONS

Section 1 - Court Approval

This Agreement is subject to approval of the courts with respect to participating carriers in the hands of receivers or trustees.

Section 2 - Effect of this Agreement

(a) The purpose of this Agreement is to fix the general level of compensation during the period of the Agreement and is in settlement of the dispute growing out of the notices served upon the carriers listed in Exhibit A by the organization signatory hereto dated on or about February 2, 1981 and February 12, 1982, and the notices served on or about February 2, 1981 by the carriers for concurrent handling therewith.

(b) This Agreement shall be construed as a separate agreement by and on behalf of each of said carriers and their employees represented by the organization signatory hereto, and shall remain in effect through June 30, 1984 and thereafter until changed or modified in accordance with the provisions of the Railway Labor Act, as amended.

(c) The parties to this Agreement shall not serve nor progress prior to January 1, 1984 (not to become effective before July 1, 1984) any notice or proposal for changing any matter contained in:

(1) this Agreement,

(2) Section 2(c) of Article XV of the Agreement of January 27, 1972, and

(3) proposals of the parties identified in Section 2(a) of this Article.

and any pending notices which propose such matters are hereby withdrawn.

(d) Pending notices and new proposals properly served under the Railway Labor Act covering subject matters not specifically dealt with in Section 2(c) of this Article and which do not request compensation may be progressed under the provisions of the Railway Labor Act, as amended.

(e) This Article will not bar management and committees on individual railroads from agreeing upon any subject of mutual interest.

SIGNED AT WASHINGTON, D.C. THIS 15TH DAY OF OCTOBER, 1982.

FOR THE PARTICIPATING CARRIERS LISTED IN EXHIBIT A:

Chairman

FOR THE EMPLOYEES REPRESENTED BY THE UNITED TRANSPORTATION UNION:

FOR THE PARTICIPATING CARRIERS LISTED IN EXHIBIT A: (Cont'd.)

C Bouch

W. R. Dentzer

C-E. Eggen

J. L. Eternad

C. C. Newnie, Jr.

T. C. Sheller

R. C Steele, Jr.

Robert E. Yaton

FOR THE EMPLOYEES REPRESENTED BY THE UNITED TRANSPORTATION UNION: (Cont'd.)

C. F. Christensen

H. G. Kenyon

T. J. Wotaszek

NATIONAL RAILWAY LABOR CONFERENCE

1901 L STREET, N.W., WASHINGTON, D.C. 20036/AREA CODE: 202—862-7200

CHARLES I. HOPKINS, Jr.
Chairman

ROBERT BROWN
Vice Chairman

D. P. LEE
General Counsel

R. T. KELLY
Director of Labor Relations

October 15, 1982

Mr. Fred A. Hardin
President
United Transportation Union
14600 Detroit Avenue
Cleveland, Ohio 44107

Dear Mr. Hardin:

This will confirm our understanding during the negotiations with respect to the provisions of Article X of the October 15, 1982 National Agreement concerning the elimination of cabooses.

It was the intention in referring to the number of cars in a train to avoid disputes, recognizing that the number of cars in a given train varies from day to day and from point to point on the same day as cars are added or set out. The number of cars stated in the Agreement refers to the usual number of cars in the train. As cars are added or subtracted en route it is not intended that there be disputes over the exact number of cars so long as the flexibility to add and subtract cars en route is exercised in line with normal operating practices and does not go beyond the intent of the Agreement or this letter.

It was further understood that the provisions of Article X shall not be cited by either party with respect to any negotiations concerning crew consist.

The purpose of the provision in the Agreement requiring a carrier to give notice describing the train or type of trains constituting the assignments on which it intends to eliminate cabooses is so that the General Chairman (or Chairmen) will be adequately informed in advance of any discussions with respect to this matter. Such other details as may be appropriate can, of course, be developed during such discussions. For example, we agreed that adequate notice would be one that stated that it was a carrier's intention to eliminate cabooses on all local freights operating between two specified points. On the other hand, where only certain trains in a common territory with other trains are identified, sufficient information would be given to identify the types of runs or assignments involved.

Finally, it is understood that the appropriate General Chairmen will be provided on a periodic basis relevant information concerning the number of cabooses the carrier has eliminated. If disputes arise concerning the propriety of the elimination of a caboose from any particular train, run or assignment, the carrier shall provide the information it relied upon in making its decision to eliminate such caboose.

Please indicate your concurrence by affixing your signature in the space provided below.

Very truly yours,

C. I. Hopkins, Jr.

I concur:

Fred A Harden

NATIONAL RAILWAY LABOR CONFERENCE

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CHARLES I. HOPKINS, Jr.
Chairman

ROBERT BROWN
Vice Chairman

D. P. LEE
General Counsel

R. T. KELLY
Director of Labor Relations

October 15, 1982

Mr. Fred A. Hardin
President
United Transportation Union
14600 Detroit Avenue
Cleveland, Ohio 44107

Dear Mr. Hardin:

This will confirm our discussions during the negotiations of the October 15, 1982 National Agreement concerning the continuation of the Joint Interpretation Committee which was informally established following the execution of the August 25, 1978 National Agreement.

Through utilization of the Joint Interpretation Committee numerous questions concerning the application of that Agreement were resolved and the invocation of formal disputes procedures avoided.

Accordingly, with the view of continuing the success in this regard insofar as disputes involving the 1978 National Agreement are concerned and with the expectation that the same results can be achieved relative to disputes which may arise under the October 15, 1982 National Agreement, the Joint Interpretation Committee previously established shall continue to function through the term of the October 15, 1982 National Agreement and is authorized to consider questions of application of its provisions that may arise for the purpose of providing a uniform application of such provisions.

In particular, the parties have established a procedure providing for the elimination of cabooses in a good-faith effort to follow the recommendations of Emergency Board No. 195. This procedure envisions a process that will be carried out on an individual railroad basis in accordance with the guidelines and procedures established under the National Agreement. In order that the intent of this provision be fulfilled, the Joint Interpretation Committee will review and attempt to resolve any issues that may arise concerning the implementation of this provision.

The Joint Committee shall consist of two representatives appointed by the organization and two representatives appointed by the National Carriers' Conference Committee.

Please indicate your concurrence by affixing your signature in the space provided below.

Very truly yours,

C. I. Hopkins, Jr.

I concur:

NATIONAL RAILWAY LABOR CONFERENCE

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CHARLES I. HOPKINS, Jr.
Chairman

ROBERT BROWN
Vice Chairman

D. P. LEE
General Counsel

R. T. KELLY
Director of Labor Relations

October 15, 1982

Mr. Fred A. Hardin
President
United Transportation Union
14600 Detroit Avenue
Cleveland, Ohio 44107

Dear Mr. Hardin:

This will confirm our understanding that, for purposes of Article XII of the National Agreement dated October 15, 1982, any employee qualifying for the lump-sum payment shall receive $230.00 if the employee's first service performed on or after January 1, 1982 was as a locomotive engineer and the organization signatory hereto represented the craft of locomotive engineers as of that date.

Please indicate your concurrence by affixing your signature in the space provided below.

Very truly yours,

C. I. Hopkins, Jr.

I concur:

Fred A Hardin

NATIONAL RAILWAY LABOR CONFERENCE

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CHARLES I. HOPKINS, Jr.
Chairman

ROBERT BROWN
Vice Chairman

D. P. LEE
General Counsel

R. T. KELLY
Director of Labor Relations

October 15, 1982

Mr. Fred A. Hardin
President
United Transportation Union
14600 Detroit Avenue
Cleveland, Ohio 44107

Dear Mr. Hardin:

This will confirm the understanding reached during the negotiations of the October 15, 1982 National Agreement that the Joint Labor-Management Committee on Physical Disqualification Procedures established pursuant to the provisions of Article XIV of the August 25, 1978 National Agreement shall be continued through the term of the October 15, 1982 National Agreement.

Very truly yours,

C. I. Hopkins, Jr.

NATIONAL RAILWAY LABOR CONFERENCE

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Chairman

ROBERT BROWN
Vice Chairman

D. P. LEE
General Counsel

R. T. KELLY
Director of Labor Relations

October 15, 1982

Mr. Fred A. Hardin
President
United Transportation Union
14600 Detroit Avenue
Cleveland, Ohio 44107

Dear Mr. Hardin:

This will confirm our understanding reached in current negotiations that the moratorium provisions of the Agreement do not preclude the serving of local notices to correct conditions with respect to suitable lodging accommodations as provided in individual agreements; provided, however, that no such local notices will be served for the purpose of changing the amount of allowance being paid in lieu of lodging, nor the qualifying conditions for eligibility for away from home expenses.

Please indicate your concurrence by affixing your signature in the space provided below.

Very truly yours,

C. I. Hopkins, Jr.

I concur:

Fred A Hardin

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D. P. LEE
General Counsel

R. T. KELLY
Director of Labor Relations

October 15, 1982

Mr. Fred A. Hardin
President
United Transportation Union
14600 Detroit Avenue
Cleveland, Ohio 44107

Dear Mr. Hardin:

This confirms our understanding that to the extent possible employees eligible for an additional week of vacation in 1982 because of the revisions provided for in Article III of this Agreement should be granted such additional vacation prior to the end of this calendar year. However, if the carrier is unable to grant this additional vacation benefit during the balance of this year, such employees shall be paid in lieu of that additional week of vacation.

Please indicate your concurrence by affixing your signature in the space provided below.

Very truly yours,

C. I. Hopkins, Jr.

I concur:

Fred A Hardin

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Vice Chairman

D. P. LEE
General Counsel

R. T. KELLY
Director of Labor Relations

October 15, 1982

Mr. Fred A. Hardin
President
United Transportation Union
14600 Detroit Avenue
Cleveland, Ohio 44107

Dear Mr. Hardin:

This confirms our understanding reached during negotiations leading to the October 15, 1982 National Agreement that the carriers' withdrawal of their proposal with respect to entry rates is in recognition of the parties' understanding that the subject of entry rates is covered by the subject matters submitted to the Study Commission established pursuant to Article XI of this Agreement.

Please indicate your concurrence by affixing your signature in the space provided below.

Very truly yours,

C. I. Hopkins, Jr.

I concur:

Fred A Hardin

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D. P. LEE
General Counsel

R. T. KELLY
Director of Labor Relations

October 15, 1982

Mr. Fred A. Hardin
President
United Transportation Union
14600 Detroit Avenue
Cleveland, Ohio 44107

Dear Mr. Hardin:

This confirms our understanding that the salary and expenses of the Chairman of the Study Commission, as provided for in Article XI, of the October 15, 1982 National Agreement, will be shared equally by the parties. Furthermore, it is agreed that this understanding will not constitute any precedent concerning the payment of neutrals by the parties for any other purpose.

Please indicate your concurrence by affixing your signature in the space provided below.

Very truly yours,

C. I. Hopkins, Jr.

I concur:

Fred A. Hardin

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Vice Chairman

D. P. LEE
General Counsel

R. T. KELLY
Director of Labor Relations

October 15, 1982

Mr. Fred A. Hardin
President
United Transportation Union
14600 Detroit Avenue
Cleveland, Ohio 44107

Dear Mr. Hardin:

In accordance with our understanding, this is to confirm that the carriers will make their best efforts to provide the retroactive wage increases in a single, separate check no later than sixty (60) days following ratification.

If a carrier finds it impossible to make the retroactive payments within sixty days, it is understood that such carrier will notify the General Chairmen in writing as to why such payments have not been made and indicate when it will be possible to make such retroactive payments.

It is further understood that such retroactive wage increases are due only to employees who (a) have performed service during the period covered by the retroactive wage increases and (b) have continued their employment relationship up to the date of this Agreement or have in the meantime either retired or died.

Please indicate your concurrence by affixing your signature in the space provided below.

Very truly yours,

C. I. Hopkins, Jr.

I concur:

Fred A. Hardin

NATIONAL RAILWAY LABOR CONFERENCE

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CHARLES L. HOPKINS, Jr.
Chairman

ROBERT BROWN
Vice Chairman

D. P. LEE
General Counsel

R. T. KELLY
Director of Labor Relations

October 15, 1982

Mr. Fred A. Hardin
President
United Transportation Union
14600 Detroit Avenue
Cleveland, Ohio 44107

Dear Mr. Hardin:

This is to confirm our understanding that the provisions of Article XIII of the October 15, 1982 National Agreement are not applicable to pending notices, or new notices which may be served, seeking to adjust compensation with respect to compensation relationships between train crews or firemen and engineers where compensation, regardless of how derived, has been changed for engineers because of a crew consist agreement.

Any organization notice served which meets these conditions may be progressed within, but not beyond, the specific procedures for peacefully resolving disputes which are provided for in the Railway Labor Act, as amended.

Please indicate your concurrence by affixing your signature in the space provided below.

Very truly yours,

C. I. Hopkins, Jr.

I concur:

Fred A. Hardin

NATIONAL RAILWAY LABOR CONFERENCE

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ROBERT BROWN
Vice Chairman

D. P. LEE
General Counsel

R. T. KELLY
Director of Labor Relations

October 15, 1982

Mr. Fred A. Hardin
President
United Transportation Union
14600 Detroit Avenue
Cleveland, Ohio 44107

Dear Mr. Hardin:

A committee shall be established by the Joint Policyholders consisting of an equal number of organization and carrier representatives for the purpose of continuing exploration of ways to contain or decrease the costs of maintaining the National Health and Welfare Plan without decreasing the benefits or services that the plan provides. In pursuing cost containment measures the committee will be authorized to obtain and/or develop whatever information is necessary in order to determine where the Plan is incurring unnecessary or excessive expenses. The committee shall make such recommendations as it deems appropriate for implementing any of its findings.

The committee is also authorized to investigate and recommend the implementation of new experimental programs on a community or other basis for the purpose of determining whether existing benefits can be provided in ways which may reduce costs to the Plan while at the same time preserving the services currently provided.

In addition, the committee may consider alternatives to the current Joint Policyholder arrangement, and consider submitting the Plan to competitive bidding; and in this process identify insurers that are fit and able to provide the services necessary in connection with the Plan, the selection criteria and the bid specifications.

Please indicate your concurrence by affixing your signature in the space provided below.

Very truly yours,

C. I. Hopkins, Jr.

I concur:

Fred A. Hardin

NATIONAL RAILWAY LABOR CONFERENCE

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Chairman

ROBERT BROWN
Vice Chairman

D. P. LEE
General Counsel

R. T. KELLY
Director of Labor Relations

October 15, 1982

Mr. Fred A. Hardin
President
United Transportation Union
14600 Detroit Avenue
Cleveland, Ohio 44107

Dear Mr. Hardin:

This will confirm our understanding that Article XII of the National Agreement dated October 15, 1982, providing a lump-sum payment in lieu of personal leave days, does not affect any local agreement on the subject of personal leave days.

Please indicate your concurrence by affixing your signature in the space provided below.

Very truly yours,

Charles I. Hopkins, Jr.

C. I. Hopkins, Jr.

I concur:

Fred A. Hardin

NATIONAL RAILWAY LABOR CONFERENCE

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CHARLES I. HOPKINS, Jr.
Chairman

ROBERT BROWN
Vice Chairman

D. P. LEE
General Counsel

R. T. KELLY
Director of Labor Relations

October 15, 1982

Mr. Fred A. Hardin
President
United Transportation Union
14600 Detroit Avenue
Cleveland, Ohio 44107

Dear Mr. Hardin:

This confirms our understanding that upon notification of ratification of the tentative national settlement reached today the parties will take such steps as necessary to withdraw without prejudice Civil Action No. 82-0278, Atchison, Topeka and Santa Fe Railway Company v. United Transportation Union, currently pending before the United States District Court for the District of Columbia.

Please indicate your concurrence by affixing your signature in the space provided below.

Very truly yours,

C. I. Hopkins, Jr.

I concur:

Fred A Hardin

EXHIBIT A

RAILROADS REPRESENTED BY THE NATIONAL CARRIERS' CONFERENCE COMMITTEE IN CONNECTION WITH NOTICES, DATED ON OR ABOUT FEBRUARY 2, 1981, OF DESIRE TO CHANGE EXISTING AGREEMENTS IN ACCORDANCE WITH PROPOSITION IDENTIFIED AS UTU - ATTACHMENT 1 (WAGES AND RULES), AND NOTICES, DATED ON OR ABOUT FEBRUARY 2, 1981, OF DESIRE TO CHANGE EXISTING AGREEMENTS IN ACCORDANCE WITH PROPOSITION IDENTIFIED AS UTU - ATTACHMENT 2 (HEALTH AND WELFARE), SERVED ON RAILROADS GENERALLY BY THE GENERAL CHAIRMEN, OR OTHER RECOGNIZED REPRESENTATIVES, OF THE UNITED TRANSPORTATION UNION (E), (C), (T) AND/OR (S), AND PROPOSALS SERVED BY THE CARRIERS FOR CONCURRENT HANDLING THEREWITH.

Subject to indicated footnotes, this authorization is co-extensive with notices filed and with provisions of current schedule agreements applicable to employees represented by the United Transportation Union (E), (C), (T) and/or (S), as indicated by an "x" in the appropriate column(s) below:

RAILROADS	UNITED TRANSPORTATION UNION			
	(E)	(C)	(T)	(S)
Akron & Barberton Belt Railroad Company	x		x	
Akron, Canton and Youngstown Railroad Company	x		x	
Alameda Belt Line	x			x
Alton & Southern Railway Company	x		x	
Atchison, Topeka and Santa Fe Railway Company	x	x	x	
Atlanta & Saint Andrews Bay Railway Company	#-x		#-x	
Belt Railway Company of Chicago			x	
Bessemer and Lake Erie Railroad Company	@-x		@-x	
*Boston and Maine Corporation			¶-x	
Brooklyn Eastern District Terminal			#-x	
Burlington Northern Railroad Company	x	x	x	x
Butte, Anaconda & Pacific Railway Company	x		x	
Camas Prairie Railroad Company	x	x	x	x
Canadian National Railways -				
Great Lakes Region, Lines in the United States			x	
St. Lawrence Region, Lines in the United States			x	
Canadian Pacific Limited	#-x		#-x	
Central of Georgia Railroad Company	x	x	x	x
Central Vermont Railway, Inc.	#-x		#-x	
THE CHESSIE SYSTEM:				
Baltimore and Ohio Railroad Company	2-x	3-x	4-x	
Baltimore and Ohio Chicago Terminal Railroad Company	x		x	
Chesapeake and Ohio Railway Company	x	x	x	
Chicago South Shore and South Bend Railroad	x		x	
Staten Island Railroad Corporation			x	
Western Maryland Railway Company	x	x	x	
Chicago & Illinois Midland Railway Company	x		x	
Chicago and North Western Transportation Company	x	x	x	x
Chicago and Western Indiana Railroad Company	x		x	
*Chicago, Milwaukee, St. Paul & Pacific Railroad, Lines East	x	x	x	
Chicago Union Station Company			x	
Chicago, West Pullman & Southern Railroad Company	x		x	
Colorado and Southern Railway Company		x	x	
Columbia & Cowlitz Railway Company	x		x	
Davenport, Rock Island and North Western Railway Company	x			x

RAILROADS	UNITED TRANSPORTATION UNION			
	(E)	(C)	(T)	(S)
Denver and Rio Grande Western Railroad Company	x	x	x	x
Des Moines Union Railway Company	x			x
Detroit and Mackinac Railway Company	x	x	x	
Detroit & Toledo Shore Line Railroad Company	x	x	x	
Detroit, Toledo and Ironton Railroad Company	x		x	
Duluth, Missabe and Iron Range Railway Company	@-x	@-x	@-x	
Duluth, Winnipeg & Pacific Railway Company	x		x	
Elgin, Joliet and Eastern Railway Company	@-x			
THE FAMILY LINES:				
Seaboard Coast Line Railroad Company	x	x	x	
Gainesville Midland Railroad Company			#-x	
Louisville and Nashville Railroad Company	x	x	x	
Clinchfield Railroad Company	x	x	x	x
Georgia Railroad		x	x	
Atlanta and West Point Railroad Company		x	x	
The Western Railway of Alabama		x	x	
Atlanta Joint Terminals			x	
Fort Worth and Denver Railway Company			x	x
Galveston, Houston and Henderson Railroad Company	x		x	
Grand Trunk Western Railroad Company		x	x	
Green Bay and Western Railroad Company	@-x		@-x	
Houston Belt and Terminal Railway Company			x	
Illinois Central Gulf Railroad	x	x	x	
Illinois Terminal Railroad Company	x		x	
Joint Texas Division of CRI&P-FW&D Railway Company	x	x	x	
Kansas City Southern Railway Company		x	x	
Kansas City Terminal Railway Company	x		x	x
Kentucky & Indiana Terminal Railroad Company	x		x	
Lake Erie, Franklin & Clarion Railroad Company	#-x		#-x	
Lake Superior Terminal & Transfer Railway Company	x			x
Lake Terminal Railroad Company	@-1-x		@-1-x	
Longview, Portland & Northern Railway Company			x	
Los Angeles Junction Railway Company	x			x
Louisiana & Arkansas Railway Company	5-x	x	x	
Maine Central Railroad Company	x	x	x	
Portland Terminal Company	x		x	
Manufacturers Railway Company	x		x	
McKeesport Connecting Railroad Company	@-x			
Meridian & Bigbee Railroad	#-x		#-x	
Minneapolis, Northfield and Southern Railway, Inc.	x		x	
Minnesota, Dakota & Western Railway Company	#-x		#-x	
Minnesota Transfer Railway Company	x		x	
Mississippi Export Railroad Company	#-x		#-x	
Missouri-Kansas-Texas Railroad Company	x	x	x	
Missouri Pacific Railroad Company	x	x	x	x
Monongahela Railway Company	x		x	
Montour Railroad Company	x		x	
Newburgh and South Shore Railway Company	@-1-x		@-1-x	
New Orleans Public Belt Railroad	x			x
New York Dock Railway			#-x	

RAILROADS	UNITED TRANSPORTATION UNION			
	(E)	(C)	(T)	(S)
Norfolk and Portsmouth Belt Line Railroad Company			x	
Norfolk and Western Railway Company	x	x	x	
Northwestern Pacific Railroad Company		x	x	
Oakland Terminal Railway				x
Ogden Union Railway and Depot Company			x	
Peoria and Pekin Union Railway Company	x		x	
Pittsburg & Shawmut Railroad Company	x		x	
Pittsburgh & Lake Erie Railroad			x	
Pittsburgh, Chartiers & Youghiogheny Railway Company	x		x	
Portland Terminal Railroad Company				x
Port Terminal Railroad Association	x		x	
Richmond, Fredericksburg and Potomac Railroad Company		6-x	6-x	
Sacramento Northern Railway				x
St. Joseph Terminal Railroad	x	x	x	
St. Louis Southwestern Railway Company			x	
Soo Line Railroad Company	x	x	x	
Southern Pacific Transportation Company -				
Western Lines	7-x	x	x	8-x
Eastern Lines	x	x	x	x
Southern Railway Company	x	x	x	
Alabama Great Southern Railroad Company	x	x	x	x
Cincinnati, New Orleans and Texas Pacific Railway Company	x	x	x	
Georgia Southern and Florida Railway Company	x	x	x	
New Orleans Terminal Company	x		x	
St. Johns River Terminal Company	x		x	
East St. Louis Terminal Company	x			x
Spokane International Railroad Company	x	x		x
Terminal Railroad Association of St. Louis	x		x	
Texas Mexican Railway Company	x		x	
Toledo, Peoria & Western Railroad Company	x		x	
Toledo Terminal Railroad Company			x	
Union Pacific Railroad Company	x	x	x	
Walla Walla Valley Railway Company			x	
Waterloo Railroad Company			x	
Western Pacific Railroad Company		x	x	x
Wichita Terminal Association	x		x	
Yakima Valley Transportation Company			x	
Youngstown & Southern Railway Company			x	

NOTES:

* - Subject to the approval of the Courts.

- Authorization excludes negotiation of the organization's notice dated February 2, 1981 of desire to change existing agreements to the extent indicated in Attachment 1 thereto, and such proposals as were served by the carrier for concurrent handling therewith.

NOTES:

@ - Authorization excludes negotiation of the organization's notice dated February 2, 1981 of desire to change existing agreements to the extent indicated in Attachment 2 thereto, and such proposals as were served by the carrier for concurrent handling therewith.

¶ - Authorization covering Attachment 1 of the organization's notice dated February 2, 1981 and the carrier proposals is qualified to the extent they are prohibited by Arbitration Award No. 387.

1 - Authorization excludes negotiation of Item IX - Early Retirement Major Medical Expense Benefit - of Attachment 1 served by the organization on February 2, 1981.

2 - Authorization also covers former BR&P Territory, former Strouds Creek & Muddlety Territory and Curtis Bay Railroad.

3 - Authorization also covers former BR&P Territory and former Strouds Creek & Muddlety Territory.

4 - Authorization also covers former BR&P Territory and Curtis Bay Railroad.

5 - Authorization excludes Hostlers at Deramus Yard, Louisiana.

6 - Authorization excludes negotiation of Item VI - Personal Leave - of Attachment 1 served by the organization on February 2, 1981.

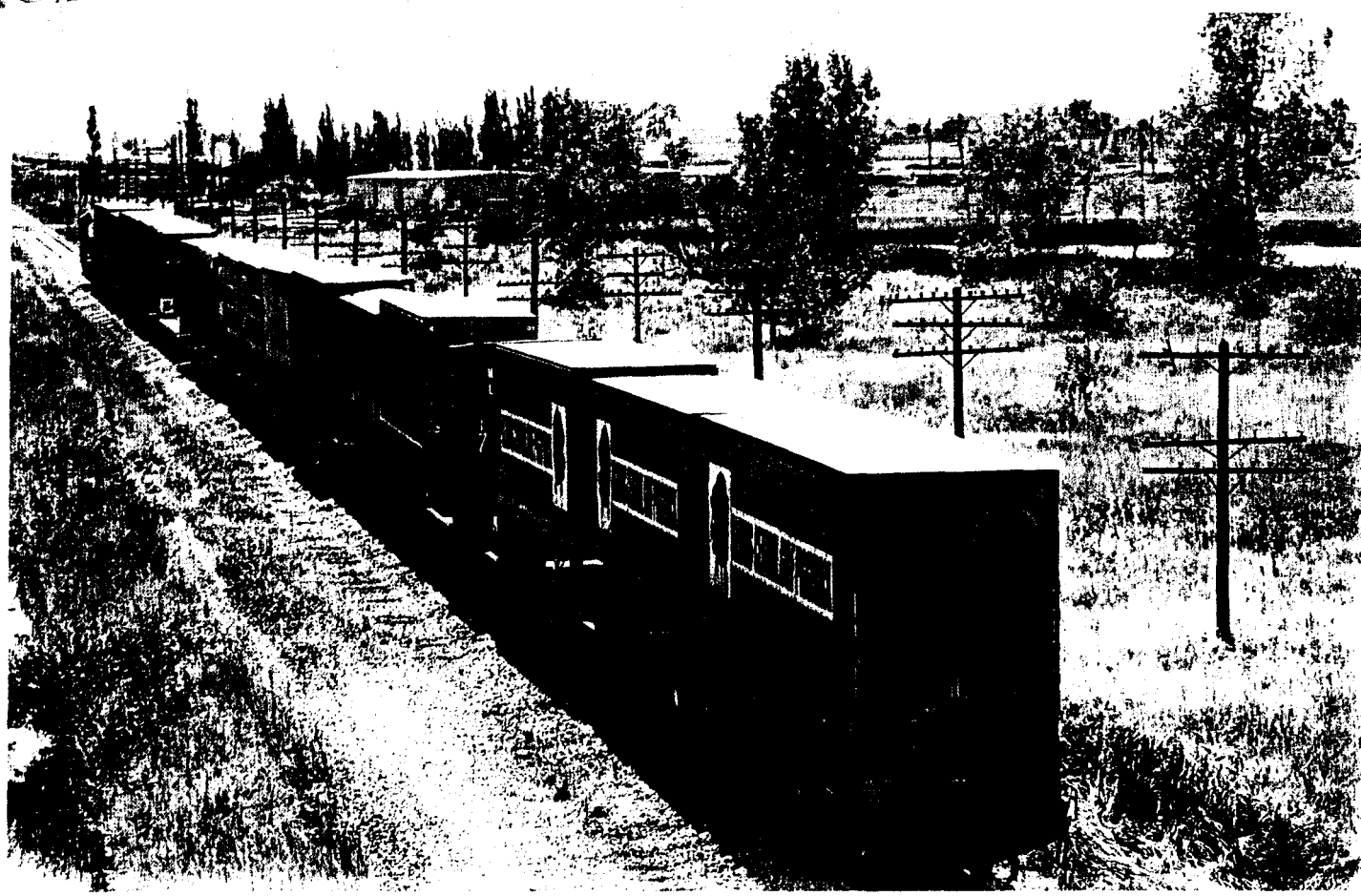
7 - Authorization also includes the former El Paso and Southwestern System and Nogales, Arizona, Yard.

8 - Authorization also includes the former El Paso and Southwestern System.

FOR THE CARRIERS:

FOR THE
UNITED TRANSPORTATION UNION:

Washington, D.C.
September 15, 1982



Under a local agreement, Illinois Central Gulf was able to operate this "Slingshot" intermodal train without a caboose. The caboosless train may become a more common sight now that the parties have set up the bargaining and arbitration machinery under which cabooses may be eliminated.

Cabooseless trains: A sign of the times?

The new labor agreements could signal a long-awaited breakthrough. Railroads can now begin eliminating cabooses, and the whole basis of crew pay will come under study.

By GUS WELTY,
Senior Editor

Not even the most wild-eyed of optimists is ready to even speculate that events of the past 10 weeks will result in "the dawn of a bright new era" in railroad management-labor practices. You do not bring the 1920s into the 1980s that quickly, or that easily.

Nevertheless, there does appear to be hope—on both sides—that changes can now be worked out which will put both the industry and rail labor in a better position to benefit from the gains that can come to rail transportation in the '80s and '90s.

Consider what has happened, in just 10 weeks:

—The United Transportation Union ratified, overwhelmingly, an agreement which provides for the elimination of cabooses, by local agreement if possible and by arbitration if necessary.

—The Brotherhood of Locomotive Engineers, ordered back to work under an imposed settlement by Congress after a brief strike, signed an agreement based upon that imposed settlement.

—The BLE then reached an agreement with Amtrak on the Northeast Corridor which does away with arbitraries and which eventually will do away with the dual basis of pay, putting engineers on an hourly basis of pay with a five-day, 40-hour week as the standard.

—Issues such as the basis of pay generally and arbitraries and division of work will be placed before study commissions by the railroads, the UTU and the BLE. This has happened before. Such issues have been studied and re-studied, with little or nothing accomplished. The differences this time around are that the neutral member of the commissions is a man respected by both sides, in fact nominated by both sides—actually, by the three "sides," the railroads, the UTU and the BLE—and that both unions, by their recent actions, appear ready to accept the fact that change is needed.

Take a look first at the caboose agreement with the UTU. It provides that:

—Cabooses may be eliminated in any or all classes of service by agreement of the parties.

—Cabooses in all classes of service other than through freight service are subject to elimination through arbitration, if agreement cannot be reached on railroad proposals. There is no limit on the number that may be eliminated by agreement. The only limit here is that only 25% of cabooses in through freight service may be eliminated *except* by agreement.

—If a dispute on caboose-elimination has to go to arbitration, the process will be handled quickly. The parties have 60 days to reach agreement. If they fail, either party may ask for arbitration and, after he holds a hearing,

No single pay pattern for train and engine workers is likely to emerge—because not all railroads are looking for the same thing.

the arbitrator has 30 days in which to make his decision.

• **A break with the past.** Unlike past "productivity" agreements—those resulting in the elimination of firemen, for example, or in train-crew-consist reductions—the caboose agreement has no *quid pro quo*, no lonesome pay provision, no provision for railroad payments into a productivity fund. The caboose agreement provides that employee and operating safety shall be considered and it orders that train-crew employees shall be provided a place to sit and to stow their gear in the locomotive consist, but it attaches no penalties except those which apply if the railroad violates an agreement and operates without a caboose when it should operate with one.

The agreement does provide guidelines for the selection of through-freight cabooses for elimination, but even these seem fairly liberal.

For example, the first category involves trains that regularly operate with 35 cars or fewer. Next come trains of 70 cars or fewer which make no stops between terminals. Then come trains of 70 cars or fewer that make no more than three stops enroute for pickup and/or setout. Then come trains of 120 cars or fewer which make no stops, and so on.

There is also a phase-in provision under arbitration, with a carrier allowed to remove one-third of the cabooses to be eliminated immediately, one-third after 30 days of the award, and one-third after 60 days.

• **Getting started.** So, now that they have a caboose agreement, what are the railroads going to do with it? That remains to be seen, in some ways, and in some part because not all Transportation Departments were quite ready for what they got through agreement.

But, in all probability, this is what will happen:

—Railroads will try to remove cabooses from local-train operations where there are two units in the locomotive consist. That would ensure that there are enough seats in the consist, since a lot of crews these days are made up of four or even five persons.

—Simultaneously, railroads will try to move on road operations that involve long-haul TOFC/COFC and unit trains, trains with multiple-unit consists that make few if any stops enroute.

—Railroads may look at trying to redesign cabs to provide more seats in a single locomotive unit. One unit ahead of its time was designed for no-caboose operation four years ago, the General Electric BQ23-7, a wide-cab unit that provided space for crew members who would normally ride in the caboose. Seaboard Coast Line bought 10 of these units and, under a local agreement, has been using them as intended, in mainline and branchline services, with no restrictions on train length or on work performed enroute (the only restriction having to do with use in mainline territory where flagging may be required).

There are, however, more problems related to the caboose-off agreement than just the provision of seats for crew members who used to ride the caboose.

Some operations may have to be adjusted, one labor relations officer notes, for example in certain situations where one train overtakes and passes another. Then, there are questions as to what kind of marker will be deemed adequate for the rear end. There are questions concerning the monitoring of the train from the head end, and these may be totally answered only with development of some sort of telemetry system which could even include the ability to initiate emergency action from the rear. There may be problems with caboose distribution, as in the case of railroads operating in and out of Oregon, which, unlike neighboring states, still has a law requiring use of cabooses.

So, while railroads now have the opportunity to begin removing cabooses, they also have the challenge of doing it right, with appropriate attention paid to safety factors and operating rules and practices. As one railroad negotiator put it, it's to be hoped that carriers will be able to move as quickly as possible, while using the best possible judgment.

Cabooses are just one issue. As for the study commissions to be set up under the BLE and UTU agreements, there is a feeling that the results of their studies may put both the railroads and the unions in a better position in 1984 than they enjoyed in the past bargaining—a better position from which to initiate and accept change.

• **A clear mandate.** Under terms of the agreements with the BLE and the UTU, the commissions will be made up of seven members, three from labor, three from the carriers and the neutral as chairman. The subjects these commissions will be studying cover a wide range—basis of pay and related alternatives, initial and final terminal delay, air-hose coupling, engine exchange, road/yard restrictions, supplemental sick pay, disability pay, personal leave, and "principles and procedures for stabilizing the pay structure of the operating crafts in response to earnings adjustments arising from crew-consist agreements."

The mandate is clearly set forth, beginning with the formulation of a schedule "designed to expedite and enhance the opportunity to reach agreement on all issues at the earliest possible date."

The parties will have 90 days to negotiate the issues. If they fail to reach agreement or fail to "demonstrate evidence of substantial progress in resolving the issues," the chairman will begin to take an active role, holding hearings on the disputed issues and developing "substantive guidelines" to get the negotiations moving.

In such a second round of bargaining, the schedule is shortened to 60 days. And if at the end of this period the parties have not reached agreement on all issues, then the chairman really becomes active, making recommendations to the parties for disposing of all unresolved issues by no later than Dec. 1, 1983.

These recommendations are not final and binding, but under the agreements "the parties affirm their good faith intentions to give full consideration to such recommendations as a means of resolving such matters."

The Dec. 1, 1983, date could be a key one, because under moratorium provisions of the agreements new Section 6 notices may be served on or after Jan. 1, 1984, though no changes may be made effective before July 1, 1984.

• **A train is a train.** At this point, it's impossible to say how much weight may be given in the commissions' studies to the BLE-Amtrak agreement, which probably represents the most sweeping change in the way engineers work and the way in which they're paid since the dual basis of pay came into existence many decades ago (*RA*, Nov. 8, p. 13). The Amtrak agreement is limited in scope (to the Northeast Corridor), it involves passenger operations as opposed to freight operations, and it reflects the intent of Congress that there shall be productivity improvements at Amtrak.

At the same time, there is no way that what Amtrak and the BLE wrought can be ignored when the study commissions get down to work, because while there are differences between Amtrak and the rest of the industry, in many ways a train is a train.

Another point that will have to be considered some time is the fact that not all railroads are looking for the same things in trying to restructure the pay system for train and engine personnel. In general terms, the differences are between western and eastern carriers, with the western roads—more blessed than eastern roads with long hauls—wanting to retain some measure of incentive for crews to move the freight and move it fast. It's thus not inconceivable that different new structures could develop to take care of this situation, and it's more than just "not inconceivable" that different structures could also evolve for present employees and for new-hires.

As one veteran negotiator sums the situation up, "If both sides give their best efforts, we can accomplish something and we can set the stage well for the next round of bargaining, which, we would hope, would be less emotional because of the discussions that will have been held." ■

It is hard to believe in the age of the space shuttle and bullet trains that cabooses still ride the rails—but not for long.

#B408

End of the line

By Desiree French

WHAT'S SMALL AND CUTE, rides at the end of a freight train and wastes maybe $400 million a year? Answer: the caboose.

This venerable institution has been condemned to die, but have no fear, railroad buffs. It will be around quite a while yet. The United Transportation Union (UTU) and certain railroads represented by the National Carriers' Conference Committee have agreed to allow cabooses to be phased out—but only gradually. Under a pact signed Oct. 15, carriers can junk cabooses on all trains except through-freights—that is, those operating between distant points with few stops. And by agreement or arbitration, they will be able to dispose of the cabooses on through-freights over time, as well.

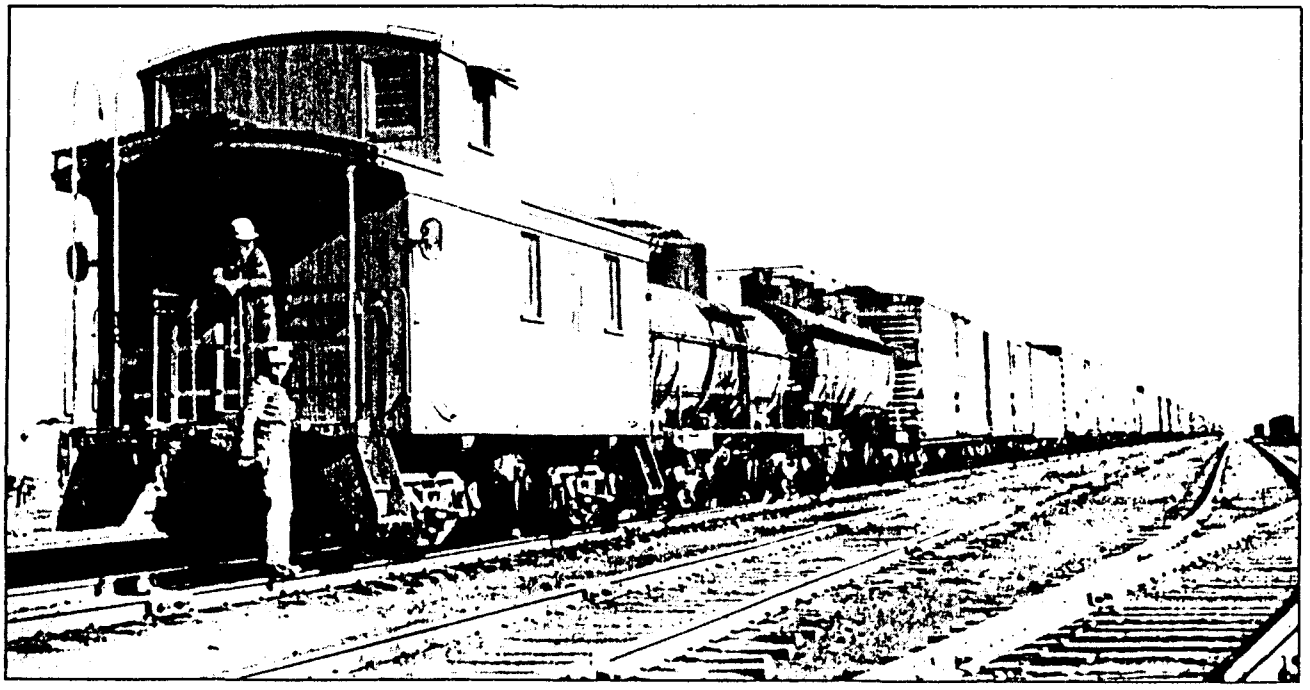
Cabooses are expensive. At last count there were 12,884 of them in the U.S. A new caboose costs about $80,000 and lasts—depending on who is telling the story—10 to 25 years. A presidential emergency board report says that Santa Fe Railroad is spending 92 cents a mile to operate each caboose. The savings envisioned by the carriers will mostly come from not buying, running or repairing cabooses and from not buying fuel to drag them along.

The caboose first appeared at the end of a mixed passenger-freight train on the Auburn & Syracuse line in the 1840s. At that time the cars served as living quarters for the train crew and as lookout posts. They still serve for crew comfort today but are rarely used. These days crews don't really need dormitories, and most railroads don't put crewmen at the rear to help brake and see what is coming up. Centralized traffic control keeps an eye on the rear and other automatic detectors look for other problems on the trains. Still, cabooses have lingered. Change comes slowly in railroadland.

The UTU didn't make a big fuss about discontinuing them—no jobs will be lost. Caboosemakers—about a dozen in the U.S.—will lose some business, but they don't seem worried. Cabooses aren't their sole specialty; they make other railcars as well. "The caboose industry is sort of kaput," says John White, curator of transportation at the Museum of American History in Washington, D.C.

So the caboose fades into history, or into fashionable decor. When the Tolland Bank in West Willington, Conn. ran out of office space three years ago, it bought a used caboose for $600 and attached it to the branch, where it has been used as the manager's office ever since. Other caboose collectors use them as playhouses, waterfront lodges, hunting lodges and stores.

Getting rid of the caboose is a small step, but at least it is in the right direction. Maybe the railroads can earn a penny or two selling them to the decorating trade. What could be more nostalgic? ■



The familiar caboose served over a century as a dormitory for the train crew and as a lookout post
Now its best hope for a future is the vogue in nostalgic decor.

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Dowlery (4)

OPINIO

Thursday, February 3, 1983 4A

HB408

Derail the cabooses

It happens every two years in Helena. A legislator with a special interest (and maybe a conflict at that) introduces a bill that is narrow in scope and aimed at someone who has done him or his buddies wrong.

This year the first such instance to come to our attention involves Rep. Jerry Driscoll, D-Billings, who also happens to be president of the Montana AFL-CIO. The issue involves Burlington Northern Railroad and the absence of cabooses on its freight trains.

AN IR VIEW

BN is a big company but it is like thousands of firms in this country who are shoring up their profit picture through mechanization and or computerization in an attempt to cut costs and increase producivity.

The railroad decided to install "little black" boxes that could monitor its freight trains and indicate when the train's wheels were getting hot, when parts were dragging on the tracks or when almost any other problem occurred. Those black boxes eliminated the need for cabooses and the brakemen and conducters who rode the rails in them.

The dispute finally wound up in federal mediation and representatives of the United Transportation Union agreed trains could run without cabooses.

Driscoll decided to rectify this situation by introducing a bill that would require the last car on every freight train operating in Montana to be an "occupied" caboose. The bill sailed through the House Monday by a vote of 60-37 and is now in the Senate.

We can understand Driscoll's concern over protecting his fellow union members, but we can't condone the results and how they have been attained to date. The Legislature has no business interfering in labor disputes between labor and private enterprise.

(This sheet to be used by those testifying on a bill.) (Amon 13

Page 66 Highway 2/10/83

NAME: W. C. Sheak DATE: 2/10/83

ADDRESS: 176 E. 5th St. St. Paul, MN 55101

PHONE: (612) 298-2336

REPRESENTING WHOM? Burlington Northern Railroad Company

APPEARING ON WHICH PROPOSAL: HB 408

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

STATEMENT OF W. CLAUDE SHEAK

I am W. Claude Sheak, Assistant to Vice President - Labor Relations of Burlington Northern Railroad Company. My office address is 176 E. Fifth Street, St. Paul, Minnesota.

I am a native of Livingston, Montana and have worked for Burlington Northern and the former Northern Pacific, a predecessor company, since 1952. I served in the Operating Department at Livingston as a Brakeman/Yardman commencing in 1954 and was subsequently promoted to Conductor. I retain my seniority in those crafts on the Rocky Mountain Seniority District of Burlington Northern Railroad. During my period of service as Brakeman/Yardman and Conductor I also served for a period as local grievance committee chairman of Lodge No. 295 of the former Brotherhood of Railroad Trainmen and as Secretary of the BRT General Grievance Committee on the Northern Pacific.

I was promoted to the position of Trainmaster in 1967 and in 1968 to Labor Relations Assistant in St. Paul, Minnesota, on the Northern Pacific.

In my present capacity, I am the senior designated appeal officer for claims and grievances for operating crafts on Burlington Northern Railroad, including those operating craft groups employed in the State of Montana.

I am fully familiar with the rules, agreements, practices and interpretations thereof as they apply to these crafts, including those relating to cabooses. Moreover, because of my background as railroad Brakeman and Conductor in the State of Montana, operating in the territories between Forsyth, Livingston, Helena and Butte, Montana, I have personal experience and insight into the use of cabooses in the State as well as elsewhere in the railroad industry.

The United Transportation Union--the labor organization that represents Brakemen and Conductors on most railroads--agreed last October to follow the recommendation of Presidential Emergency Board Number 195, appointed by President Reagan; providing for the elimination of cabooses in all classes of service. I will submit a copy of the formal agreement for the record. The UTU, which has been outspoken on railroad safety matters, assented to the elimination of cabooses on trains which will be designated through local labor-management negotiation. The UTU Agreement also provides that in those instances wherein local negotiations fail to resolve a proposal to remove a caboose from service, an arbitrator will rule.

Section 2--Guidelines, from the relevant Article X of the 1982 Agreement are as follows:

"The parties to this Agreement adopt the recommendations of Emergency Board No. 195 that the elimination of cabooses should be an on-going national program and that this program can be most effectively implemented by agreements negotiated on the local properties by the representatives of the carriers and the organization most intimately acquainted with the complexities of individual situations.

"In determining whether cabooses are to be eliminated, the following facts shall be considered:

(a) safety of employees

(b) operating safety, including train lengths

(c) effect on employees' duties and responsibilities resulting from working without a caboose

(d) availability of safe, stationary and comfortable seating arrangements for all employees on the engine consist

(e) availability of adequate storage space in the engine consist for employees' gear and work equipment."

Bear in mind that these are the provisions of a mutual agreement between labor and management that will not eliminate jobs for conductors and brakemen. Those jobs are governed and protected by separate agreements. The proposed legislation would constitute unnecessary involvement of government into a successful collective bargaining contract--a contract which states explicitly that the elimination of cabooses should be an "... on-going national program ..."

and "... that this program can be most effectively implemented by agreements negotiated on the local properties ..." by the parties. Emphasis added.

Further, the 1982 National Agreement represents a compromise between railroad management and the unions at the highest level. In exchange for concessions granted by the union, including the provisions of Article X relating to cabooses, management granted among other things:

1. **Four general wage increases between April 1, 1981 and July 1, 1983**

2. **Continued cost-of-living adjustments**

   1 and 2 combined have so far resulted in a 20.39% average increase to date.

3. **Additional weeks of vacation, i.e.:**

   (a) **Three weeks instead of two for employees with eight or more years of service**

   (b) **Four weeks instead of three for employees having 17 or more years of service (also reduced from 18 years to 17 years of service).**

4. **One additional paid holiday (the day after Thanksgiving Day) for a total of 11 paid holidays**

5. **Expanded health and welfare coverage**

6. **Expanded dental benefits**

7. **Increased expenses away-from-home.**

These added costs can generally be met in two ways, i.e., productivity improvements like elimination of cabooses

or increased freight rates which are ultimately passed on to the consumer.

We can think of no interest that would be served by intervention of the State in this matter. The process of negotiation outlined above should leave no doubt that the safety interests of our employees will be fully and carefully protected--not just by us, but also by the efforts of the union's negotiators. The one, certain result of a caboose requirement would be a lost opportunity: a chance to avoid unnecessary increases in freight rates.

The States should not nullify by legislation that which was achieved in what management believed at the time to be good faith collective bargaining. If the States do so it may seriously damage the process in the future and throw a wrench in the machinery incorporated in the Railway Labor Act and designed to provide means to avoid interruption to interstate commerce. If, however, this body decides otherwise, I suggest that it must, in all fairness, consider an amendment to such a bill which would eliminate the concessions granted the union in exchange for the caboose provisions, such as wage increases, cost-of-living adjustments and increased vacations.

Contrary to assertions previously made by proponents of the proposed legislation, the provisions of Article X--Cabooses had already been agreed to in principle by the parties to the 1982 National Agreement prior to establishment of Presidential Emergency Board No. 195. Other issues, not the caboose issue, gave rise to the Emergency Board, namely, the application of percentage increases to other payments not part of the basic wage. The union prevailed before the Emergency Board on those other issues and the basic wage percentage increases were applied to these additional payments as in the past.

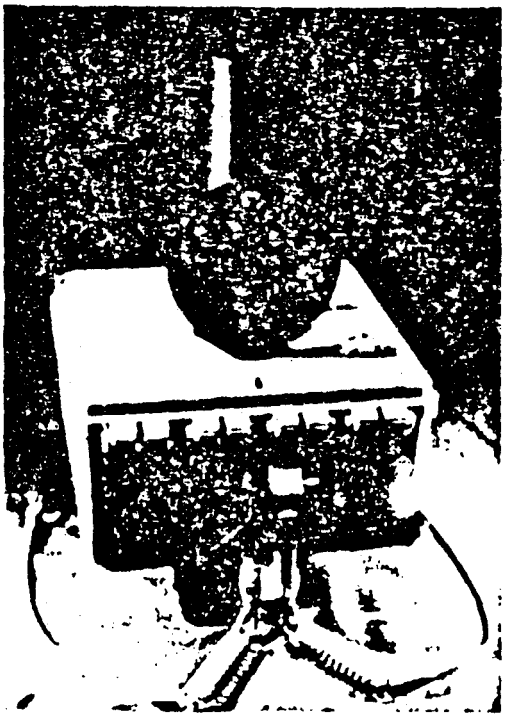
I sincerely believe that the designated union and management parties most familiar with the railroad operation and with the needs of the employees can best decide in collective bargaining on the need for cabooses according to "... the complexities of individual situations" without the need for broad brush legislation, which does not take these complexities into account and would actually preclude collective bargaining.

W. C. Sheak

W. C. Sheak
Assistant to Vice President

drd31,6

SAB HARMON ELECTRONIC CABOOSE
ENCODER/TRANSMITTER
PRELIMINARY INFORMATION



SPECIFICATIONS

Power — Battery operated 12V, 10A-H, 20 hours of service between charges. Self-contained rechargeable battery.

Temperature Range — -30°C to +55°C

Transmitter Power — Nominally 35 watts (adjustable range 10 to 35 watts)

Modulation — Narrow Band FM

Baud Rate — 110 baud.

Data — 16 bit address, 8 bit pressure data, 8 bit miscellaneous data organized as 4-8 bit words. Each word includes one start bit, one odd parity bit, one stop bit, and 8 data bits in the NRZ format.

Transmission Time — The time required to send one set of data (4 words) is 418ms.

Code Method — Frequency shift keying — mark=1070Hz space=1270HZ.

FEATURES

Brake Air Pressure — Gauge measured from 0-P.S.I. to 150-P.S.I. accuracy to within 1-P.S.I.

Transmission Rate — One set of data is transmitted each minute, unless there is a pressure change or slack in/out indication. If pressure changes or slack in/out changes occur, two sets of data are transmitted. Should these changes continue to occur, transmission will be no more frequent than once every five seconds. Time between transmission will be varied ±10% to help prevent interference caused by unit syncronization.

Addressing — 16 bits of binary coded address jumper selectable. 65,536 unique addresses available.

Motion Detector — 5 mw x band radar unit is used to determine if last car is stationary or rolling.

Slack Detection — Detects the slack in or slack out bumps.

Self-Check — The encoder microprocessor has a self-check feature in the circuitry that provides constant verification of proper operation.

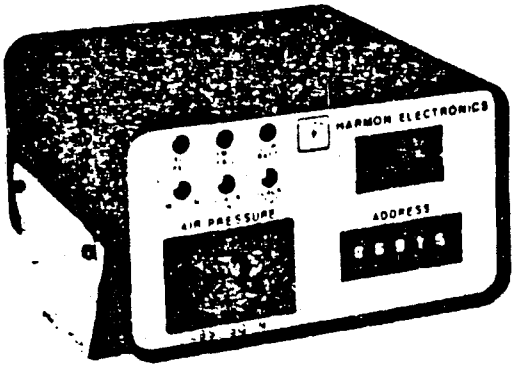
Zero Pressure Power-Down — To lengthen battery operation time, the unit will power down when the brake air pressure drops below 2-P.S.I. When shut down occurs the pressure is read and transmitted 3 times before total shut down occurs. If the brake air pressure comes back up, the unit powers up and again operates normally.

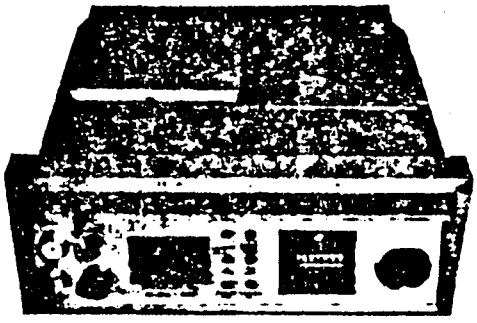
Brake Air Pressure Change Detection — The change in brake air pressure that will cause a transmission to occur is jumper selectable from 0-P.S.I. to 3.5-P.S.I. on 0.5-P.S.I. increments. This is normally set to 1.5-P.S.I. Setting to 0 will cause continuous transmissions.

HARMON ELECTRONICS
A DIVISION OF
SAB HARMON INDUSTRIES, INC.
Grain Valley, Missouri 64029 • (816) 249-3112

SAB HARMON ELECTRONIC CABOOSE
DECODER/RECEIVER

PRELIMINARY INFORMATION





GENERAL INFORMATION

The Decoder/Receiver unit is available in three different package forms. One is a self-contained battery-powered portable unit that needs only an external antenna connection. The rechargeable battery will provide 20 hours of operation between charges. A second package (not pictured) is a single unit similar to the self-contained portable, but containing a 72 volt DC power supply rather than rechargeable batteries. This version is designed for use where a more permanent mounting is possible, as it requires 72 volt power in addition to the antenna connection. The third package is a two-part concept where a small unit on the control stand contains the decoder, the displays and the address select switches, and a second unit, mounted remotely, contains the receiver and 72 volt power supply. The two units are connected by a small cable.

FEATURES

Brake Air Pressure — The brake air pressure is displayed on a 3-digit, high efficiency LED display in P.S.I. (pounds per square inch) accurate to within one P.S.I. The air pressure reading will change only if a different value is received from the rear-end unit. An update occurs routinely, once per minute if no pressure change occurs, or as necessary for pressure changes.

Valid Reception — The valid reception LED will light for 2 seconds when valid data is received.

Transmitter Fail — The transmitter fail LED will light if no valid reception has occurred for 2.5 minutes. This LED will remain on until a valid reception occurs.

Low Battery — The low battery LED will light if the rear-end unit battery voltage drops to 10 volts during transmit.

Motion Detection — The motion LED will light if the car mounted rear-end unit is moving. This LED will function only if the motion detecting radar unit is included in the rear-end unit.

Slack In/Slack Out — These LEDs will light for 6 seconds if slack in or slack out has been detected. Immediate transmission occurs in the rear-end unit when a slack in or out is detected. These LEDs will only be functional if the rear-end unit is equipped with a slack detector. An announciator beep will accompany slack in or slack out LED indications.

Address Select Switches — These five switches allow the selection of any of the 65,536 unique addresses possible for the rear-end unit. This address selection feature allows the detector/receiver unit to be used with any Harmon rear-end unit.

HARMON ELECTRONICS
A DIVISION OF
SAB HARMON INDUSTRIES, INC.
Grain Valley, Missouri 64029 • (816) 249-3112

2/10/83
Page 75

NAME: Bartlett R. Brown DATE: 2/10/83

ADDRESS: 400 W & Temple, Salt Lake City, Utah. 84101

PHONE: 801-363-1544 Ext. 523

REPRESENTING WHOM? Union Pacific Railroad

APPEARING ON WHICH PROPOSAL: HB 408

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ✓

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

February 15, 1983

The meeting of the Highways and Transportation Committee was called to order by Chairman Mark Etchart on February 15, 1983 at 1:00 p.m. in Room 410, State Capitol.

ROLL CALL: Roll was called with the following Senators present: Senator Etchart, Senator Hager, Senator Elliott, Senator Shaw, Senator Graham; and, the following Senators late: Senator Tveit, Senator Stimatz. Those Senators absent: Senator D. Manning and Senator Daniels.

SENATE BILL NO. 402: Hearing commenced on Senate Bill No. 402. Senator Mohar, sponsor of Senate Bill No. 402 told the committee this bill amends Montana's vehicle laws to bring the statutes affecting bicycles into conformity with the Uniform Vehicle Code, and provides for an immediate effective date. He read sections of the bill to the committee and introduced Ronald Pogue from Billings to the committee.

Ronald Pogue, 1025 North 22nd Street, Billings, MT, representing the League of American Wheelmen, The Billings Bicycle Club, and the Alternative Energy Resources Organization, spoke in support of Senate Bill No. 402. He presented the committee with written testimony, which he read to the committee. See Exhibit 1.

Mark Cadwallader, Missoula, MT, representing Sam Warren, the Deputy City Attorney of Missoula told the committee Sam Warren was unable to be present today, and asked me to present his written statement. He read from prepared statement, see Exhibit 2.

Sue Lindgren, representing herself, spoke in support of the bill. In 1981 and 1982, I conducted bicycle workshops throughout the state. I support this bill because it reflects the concerns of Montanan's, both rural and urban interests. It is a good safety bill.

Curt Hahn, Specialist in Traffic Education Programs for the Office of Public Instruction, spoke in support of the bill. We feel that this legislation effectively clears up the present ambiguity in Montana's Motor Vehicle Codes relative to the status of a bicycle when upon a roadway and it brings Montana law into compliance with the current Uniform Vehicle Code. Further, and more importantly, this legislation improves the safety and efficiency of the flow of traffic. Therefore, we encourage this committee to support this bill and give it a Do Pass recommendation.

Curt Hahn, also presented the committee a letter from Wayne Elser, President of the Montana Traffic Education Association. See Exhibit 3.

Albert Goke, representing the Highway Traffic Safety Division, Department of Justice spoke in support of Senate Bill No. 402. The proposed changes are supported by the wording from the Uniform Vehicle Code and would conform to national trends in dealing with bicycle law in the United States.

Garfield Munson, representing the Highway Patrol, told the committee the Highway Patrol is in complete support of Senate Bill No. 402 and urges its passage.

Charlotte Henson, representing the Helena Bicycle Club, spoke in support of Senate Bill No. 402. I use the bicycle daily, it is a part of our daily life. I think this is a good safety bill. Highway behavior should be taught to all bicyclists.

John Williams, representing the City of Missoula, Engineering Department, spoke in support of Senate Bill No. 402. As a professional involved in teaching youngsters how to ride safely, I feel this bill is necessary to improving safety of Montana bicyclists. It will clarify the legal status of bicyclists; it will clearly state the situations under which a bicyclist must keep to the right; it will make teaching of turn signals easier. He presented written testimony to the committee, and read from it. See Exhibit 4.

June J. Siple, representing the Bicyclists Guide to Montana, spoke in support of Senate Bill No. 402. I feel that the Montana Code in its present form is confusing to the public and enforcement officials alike; adoption of the appropriate uniform vehicle code sections into the Montana Code would make the law more clear for bicycle riders and motorists alike. Ms. Siple presented three letters to the committee: Exhibit 5, letter from Debra Unruh, the Missoula Bicycle Club President; Exhibit 6, letter from Gary MacFadden, Executive Director of Bikecentennial, the Bicycle Travel Association, and a brochure; and, Exhibit 7, a letter from Frank E. Winkler, 2113 Charlott Ave., Missoula, MT. All three letters were in support of Senate Bill No. 402.

Bill Ware, Chief of Police, Helena, MT, spoke in support of Senate Bill No. 402. We would like to go on record as supporting this bill.

There were no further proponents to Senate Bill No. 402. There were no opponents to Senate Bill No. 402.

Senator Hager asked Ron Pogue if there would be any licensing, taxing, or insurance regulations on bicycles if this bill passes.

Ron Pogue, told Senator Hager he was also concerned about this and thoroughly went through the code. As far as he knows, this bill would not affect bicyclists. The law requires licensing, taxing, and insurance on motor vehicles, and this law will define bicycles as a vehicle, not a motor vehicle. However, there is a section of the law that says the driver of a vehicle is liable for any damages that they may cause.

Senator Hager said this bill puts more responsibility on the bicycle rider, and wondered if this bill would not allow a younger person to ride a bike.

Ron Pogue said no. This bill deals with the serious bicyclist, the person who is on the highways and uses the bike for transportation purposes, touring. This bill will have an impact on irresponsible cyclists. It will not affect the youngster who rides his bike on the sidewalk in residential areas. But it will affect anyone who rides their bike on the roads. Most accidents are caused by riders who are bicycling on the wrong side of the road. We seldom see the police give these people a ticket.

Senator Elliott said he is in support of the bill and the concept behind it, however, he has problems with the bill. I don't think sidewalks is a suitable place for riding a bicycle, accept when they are being parked or walked. Why should bicycles be ridden on sidewalks.

Senator Mohar said most of the people who ride on sidewalks are children and sometimes senior citizens. I would not want to take that away from the children, who do not want to be on the roadway.

Ron Pogue said this situation is a difficult one. It would be simple if we did not have them on the sidewalks. And, even if that was the law, we would still have problems in trying to enforce it. Very few competent bicyclists ride on the sidewalks. The Uniform Vehicle Code itself states that vehicles cannot be operated on sidewalks, and makes an exception for local ordinances. Most cities have ordinances that prohibit bicycles from operating on sidewalks in business districts, and allowing them to in residential districts. Some have restrictions on age. Anyone over the age of 15 must use the roadway.

Senator Stimatz asked Ron Pogue to explain Section 2 on Page 10.

Ron Pogue said Section 2, Page 10, states, "A person operating a bicycle upon a one-way highway with two or more marked traffic lanes may ride as close to the left side of the roadway as practicable. Mr. Pogue drew a diagram on the blackboard

that answered the questions Senator Stimatz had.

Senator Shaw asked if Section 2, Page 10, would apply to the interstate.

Ron Pogue said no. The Interstate is not a one way roadway.

Senator Elliott asked what a laned roadway is.

Ron Pogue said a laned roadway is defined in 51-1-207, and is a roadway which is designed with two or more lanes.

Senator Elliott said he did not like the section of the law that deals with riding two-abreast. Why ride two-abreast?

Ron Pogue said they have changed the law dealing with this, and now reads: "shall not ride more than two-abreast".

Senator Elliott proposed an amendment to Senate Bill No. 402.

1. Page 11, line 2.
Following: "abreast"
Strike: "may"
Insert: "shall"

See Exhibit 8.

Senator Hager asked if the adult tricycles would be considered tandom.

Ron Pogue reported that everyone he had talked to about the adult tricycles and tandom wheels agreed that they would be considered a bicycle, or vehicle. Tandom means one behind the other. It certainly would not exclude adult tricycles as long as they are over 25".

Senator Hager asked if this bill is adopted would cities have any difficulties with it.

Bill Ware, Chief of Police, Helena, said no. We would conform to the Montana law.

In closing, Senator Mohar said he thinks this is a good bill, a traffic safety bill. I hope you give this a favorable do pass.

There being no further discussion, hearing on Senate Bill No. 402 was closed.

ACTION ON HOUSE BILL NO. 408: Senator Elliott made the motion that House Bill No. 408 BE CONCURRED IN.

Senator Shaw presented an amendment. Senator Elliott withdrew his motion.

Senator Shaw's amendment as follows:

1. Page 1, line 18.
Following: "railroad"
Insert: ", provided however, a caboose is not required on a train operating within railroad yard limits, on a road, switch, or local switch train, on a work train, maintenance train, or on any other train of 35 cars or less."

See Exhibit 9.

Senator Shaw made the motion that the amendment to House Bill No. 408 BE CONCURRED IN. The motion carried. A Roll Call Vote was taken, see Exhibit 10.

Senator Elliott made the motion that House Bill No. 408 as amended, BE CONCURRED IN. The motion carried. A Roll Call Vote was taken, see Exhibit 11.

ACTION ON HOUSE BILL NO. 198: Senator Elliott made the motion that House Bill No. 198 BE CONCURRED IN.

Senator Shaw told the committee this bill could have far reaching effects. This bill just opens the door for the Highway Department further. I urge you to not concur in this bill.

Senator Etchart said this bill came out of recommendations. These recommendations seem to be an invitation to draft a bunch of bills.

Senator Elliott said this bill is just a housekeeping measure for the Highway Department and allows them to recover permit costs. I think it is appropriate that the person getting the permit pay the cost of getting same.

A Roll Call Vote was taken. The motion failed. See Exhibit 12.

Senator Hager made the motion that House Bill No. 198 BE NOT CONCURRED IN. A Roll Call Vote was taken, the motion passed. See Exhibit 13.

ACTION ON HOUSE BILL NO. 7: Senator Elliott made the motion that House Bill No. 7 BE CONCURRED IN. The motion carried. A Roll Call Vote was taken, see Exhibit 14.

ACTION ON SENATE BILL NO. 402: Senator Graham made the motion to adopt the amendment on Page 11, Line 2. The motion carried. A Roll Call Vote was taken, see Exhibit 15.

Senator Shaw made the motion that Senate Bill No. 402, as amended DO PASS. The motion carried unanimously.

ADJOURN: There being no further business before the Committee, the meeting was adjourned at 2:25 p.m.

Mark Etchart
Senator Mark Etchart
Chairman

ME/cdf

ROLL CALL

SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE

48 47th LEGISLATIVE SESSION -- 1983 Date 2/15/83

NAME	PRESENT	ABSENT	EXCUSED
Senator Mark Etchart, Chairman	✓		
Senator Hager, Vice Chairman	✓		
Senator Elliott	✓		
Senator Shaw	✓		
Senator Tveit	✓ late		
Senator Graham	✓		
Senator D. Manning			
Senator Stimatz	✓ late		
Senator Daniels			
Paul Verdon, Leg. Council	✓		
Carol Doyle Frasier, Secretary	✓		

SENATE Highways COMMITTEE

BILL _____ VISITORS' REGISTER DATE 2/15

Please note bill no.

NAME	REPRESENTING	BILL #	(check one) SUPPORT	OPPOSE
JOHN WILLIAMS	MISSOULA ENGINEERING DEPT	402	✓	
Al Goke	High Traffic Safety Div	402	✓	
Rod Meyer	self	402	✓	
Dave Lindgren	self	402	✓	
Brad Cowan	Self	402	✓	
George W. Wilson	Self	402	✓	
Jim Lopke	Mt Bicycle Assoc to Montana	402	✓	
Hal Robbins	Self /	402	✓	
Mary [illegible]	Dan Walker, Mont [illegible]	402	✓	
Charlotte Nenser and daughter	Helena Bicycle Club	402	✓	
Debra Kovacek	Missoula Bike Program	402	✓	
[illegible]	[illegible]	402	✓	
Curt Hahn	[illegible]	402	✓	
Garfield Munson	Helena [illegible]	402	✓	
[illegible]	MT Chapter of [illegible]	402	✓	

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

Exhibit 1

Page 9 - Highways, 2/15/83

NAME: Ronald Pogue DATE: 2-15-83

ADDRESS: 1025 North 32nd St Billings, MT 59101

PHONE: 259-2357 (Helena phone 443-7272

REPRESENTING WHOM? League of American Wheelmen
Billings Bicycle Club
Alternative Energy Resources Organization

APPEARING ON WHICH PROPOSAL: SB 402

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Page 10, Highways, 2/15/83 Exhibit 1

PREPARED TESTIMONY OF RONALD POGUE IN SUPPORT OF SB 402.

Chairman Etchart and members of the committee:

It is my pleasure to appear before today in support of Senate Bill 402. I am here today representing myself as a bicyclist with 30 years experience and as a writer and researcher who has published several articles on bicycling safety, laws and riding technique. I am also here representing three organizations: the League of American Wheelmen, the national organization of bicyclists with over 20,000 individuals and 500 local clubs as members; the Billings Bicycle Club, with a little less than 100 individual and family members; and the Alternative Energy Resources Organization, with over 500 Montana businesses, families and individuals. These three organization wish to go on record as supporters of SB 402.

I also took copies of the bill to the Montana Department of Highways for review by Director Gary Wicks and Legal Division Administrator James Beck. Mr. Wicks asked me to relay to you that the Department has reviewed SB 402 and has no opposition to its passage.

SB 402, with the exception of Section 5, is based entirely on the current version of the Uniform Vehicle Code. Enclosed is a chart which cites the specific articles of the UVC on which the respective sections of SB 402 are based. Montana's current bicycling laws are primarily based on much older versions of the UVC. As you know, the UVC is updated every 3-5 years by the National Committee on Uniform Traffic Laws and Ordinances, an association of over 100 representatives of federal, state and local governments, insurance companies, motor clubs, safety councils, manufacturers, dealers, trade associations, unions, national transportation associations, and others interested in achieving sound, uniform traffic laws and regulations. During the last couple decades, significant progress was made in bicycling research and safety as well bicycle usage as a mean of serious transportation. This progress resulted in changes to the bicycling portions of the Uniform Vehicle Code in 1971, 1975, and 1979. These changes are embodied in SB 402.

SB 402:

1) Redefines a "bicycle" as a "vehicle". The legal status of "vehicle" for bicycles is important to cyclists and motorists alike. It makes it legally explicit that bicyclists are required to obey all traffic laws and are citable for infractions of those laws. It makes it clear that cyclists are liable for damages they cause. It also establishes explicitly their rights to share the roadways and be afforded the protections of the law. (Sections 1 and 2.)

2) Allows cyclist to make left turns in the same manner that a car would or by riding all the way around the outside of the intersection as a pedestrian would. This provisions strong or weak cyclists, more experienced or less experienced cyclists, to each choice a manner of turning left that is compatible with their respective abilities and other traffic. (Section 3.)

3) Permits a cyclist to give intermitent (rather than continuous) turn signals when his or her hands are needed in the control and operation of the bicycle. (Section 4.)

4) Allows a bicycle to be parked on a sidewalk only if such parking does not impede the normal and reasonable flow of pedestrian and vehicle traffic. (Section 6.)

5) Authorizes an optional right turn signal for bicyclists--i.e., extending the right hand and arm horizontally. This signal is easier for cyclist to make and studies have shown that this signal is more clearly understood by motorists than the the conventional right turn hand-and-arm signal. (Section 5.)

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Exhibit 1

6) Requires car doors to be carefully opened on all sides of the vehicle that are next to traffic of any kind--vehicle or pedestrian. (Section 7.)

7) Requires vehicle drivers, including cyclists, to exercise due care to avoided colliding with cyclists in addition to pedestrians. (Section 8.)

8) Reaffirms that bicyclists are subject to the duties of and are granted the rights of drivers of other vehicles. This provision is also extended to the MCA chapter on traffic accidents. (Section 9.)

9) Allows bicyclists to pull bonafide bicycle trailers. (Section 10.)

10) Maintains the requirement that cyclists ride as far to the right side of the roadway as practicable, but authorizes exceptions to this requirement for passing, turning left, riding as fast as the flow of traffic, and conditions along the right side that make it unsafe to continue riding there. (Section 11.)

11) Allows cyclists the option of riding on the extreme left side of one-way streets. (Section 11.)

12) Permits cyclists to ride two abreast only when it does not impede the normal and reasonable movement of traffic. If traffic situations, cyclists would usually still be required to ride single file. (Section 11.)

13) Requires the driver of any vehicle, including bicycles, to yield to all traffic on sidewalks that the driver is crossing. (Section 12.)

14) States that bicyclists riding on sidewalks lose their vehicle status and are bound by the rights and duties of pedestrian law. In addition, cyclists must yield to all pedestrians and must give an audible signal when passing pedestrians on a sidewalk. (Section 13.)

SB 402 is needed. It benefits motorists and cyclists by clearly spelling out the rules for both. It should improve the traffic behavior of cyclists, which in turn will increase the respect of motorists for cyclists. I strongly urge you to give SB 402 a "do pass" recommendation.

Thank you.

Submitted by,

Ronald Pogue

Ronald Pogue
1025 North 22nd St.
Billings, MT 59101
(406)259-2357

Exhibit 1

All sections of SB 402 except section 5 are based on the Uniform Vehicle Code:

SB 402	Uniform Vehicle Code
Section 1.	**§ 1-184—Vehicle.** — Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks. (REVISED, 1975.)
Section 2.	**§ 1-105—Bicycle.** — Every vehicle propelled solely by human power upon which any person may ride, having two tandem wheels, except such vehicles with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position, and except scooters and similar devices. (REVISED, 1975 & 1979.)
Section 3.	**§ 11-1207—Left turns** (a) A person riding a bicycle or a moped intending to turn left shall follow a course described in § 11-601 or in subsection (b). (b) A person riding a bicycle or a moped intending to turn left shall approach the turn as close as practicable to the right curb or edge of the roadway. After proceeding across the intersecting roadway, the turn shall be made as close as practicable to the curb or edge of the roadway on the far side of the intersection. After turning, the bicyclist or moped driver shall comply with any official traffic control device or police officer regulating traffic on the highway along which he intends to proceed.
Section 4.	**§ 11-1208—Turn and stop signals** (a) Except as provided in this section, a person riding a bicycle shall comply with § 11-604. (b) A signal of intention to turn right or left when required shall be given continuously during not less than the last 100 feet traveled by the bicycle before turning, and shall be given while the bicycle is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle.
Section 6.	**§ 11-1210—Bicycle parking** (a) A person may park a bicycle on a sidewalk unless prohibited or restricted by an official traffic control device. (b) A bicycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.
Section 7.	**§ 11-1105—Opening and closing vehicle doors** No person shall open any door on a motor vehicle unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on a side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. (REVISED, 1975.)
Section 8.	**§ 11-504—Drivers to exercise due care** Notwithstanding other provisions of this chapter or the provisions of any local ordinance, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian or any person propelling a human powered vehicle and shall give an audible signal when necessary and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated or intoxicated person. (REVISED, 1971 & 1975.)

(over)

Exhibit 2

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79

Page 13, Highways, 2/15/83

NAME MARK CADWALLADER BILL NO. 402

ADDRESS 1749½ S. 12TH W, MISSOULA, MT 59801 DATE 2/15/83

WHOM DO YOU REPRESENT Sam Warren, Missoula Deputy City Attorney

SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: Sam Warren was unable to be present today, and asked me to present his written statement.

Page 14, Highways, 2/15/83

Exhibit 2

Written Testimony of Sam Warren, Missoula Deputy City Attorney

I would like to take this opportunity to respectfully urege this Committee to recommend passage of Senate Bill 402. The primary thrust of this Bill is to specifically define the term "vehicle" as used in the state traffic code to include bicycles. Other parts of the Bill make exceptions or modifications where it would be inappropriate to treat bicycles and other vehicles exactly the same.

Present State of Law

At the present time, the Montana Traffic Code expressly excepts bicycles from the definition of "vehicle". Section 61-1-103, M.C.A. Virtually all of the operating requirements contained in the Montana Traffic Code apply only to "vehicles". Thus, on its face, it would appear that the provisions which govern "vehicles" do not apply to bicycles operated on Montana streets and highways. The legislature, apparently to address this exact issue, enacted Section 61-8-602, which states:

> "61-8-602. Traffic laws applicable to persons riding bicycles. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter and chapter 9 except as to special regulations in this part and except as to those provisions of this chapter and chapter 9 which by the very nature can have no application."

Unfortunately, the above-quoted language, while it seems straightforward, does not adequately resolve the problem. While it does purport to "grant" bicyclists all of the "rights and duties" of other drivers, this is not the same as subjecting bicyclists to the operating requirements of the Motor Vehicle Code.

Bicyclists find themselves in a unique, undefined area of the law. As it presently stands, it is not at all clear that bicyclists are governed by the vehicle operating requirements that govern "vehicles".

The Problem

While I cannot offer any statistical proof, my personal experience and observation indicates that bicycle use is growing rapidly, expecially in urban areas. This has resulted in increased numbers of collisions between bicycles and motor vehicles. One particular case will illustrate the problem.

Last summer, in Missoula, there was a collision between a pickup truck and a bicycle. Fortunately, no one was injured, although the bicycle was damaged extensively. The driver of the pickup truck, obviously in a hurry, merely asked the bicyclist if he had "learned anything" and then left the scene without giving his name or other information. The stunned bicyclist found himself sitting on the curb with a badly damaged bike, wondering what to do. Because the exact cause of the accident was unclear (in terms of who was at fault), it was clear that the motorist left the scene without giving the bicycle rider his name, address, or insurance information. Our Office investigated the incident, found the driver of the pickup truck, and issued him a citation for leaving the scene of a property damage accident without giving the required information (Section 61-7-104, M.C.A.). Of course, this statute pertains only to "the driver of any vehicle involved in an accident resulting only in damage to a vehicle . . ." The Defendant appeared, through his lawyer, and asked that the case be dismissed since the term "vehicle" as defined in the Montana Vehicle Code, specifically excludes bicycles. This motion was granted.

Exhibit 2

The above case is neither unique nor unjustified. There is a general legal axiom that all penal laws (such as traffic laws) must be construed strictly against the state. Thus, if any confusion or ambiguity exists in the law, the person charged with violating the law shall get the benefit of the doubt. Although we do have a law granting bicyclists the "rights and duties" of operators of other vehicles, we also have a law which specifically excepts bicycles from the definition of vehicles. This ambiguity will be construed in favor of the person charged.

In conclusion, I believe that the Montana Traffic Code does not effectively govern the operation of bicycles. A motor vehicle which fails to yield the right of way to a bicycle cannot be charged (at least in Missoula) with any traffic violation. Similarly, a bicyclist is not governed by vehicle operating requirements such as stop signs, traffic lights, as well as accident reporting requirements.

I believe that Senate Bill No. 402 solves the problem describes above. This Bill would definitely include bicyclists within the definition of vehicles and clarify the laws that govern their operation. I believe this Bill deserves your serious consideration and support.

Respectfully submitted,

Sam Warren

Sam Warren
Missoula Deputy City Attorney
201 West Spruce
Missoula, Montana 59802

SW/jd

Page 16, Highway, 2/15/83

OFFICE OF PUBLIC INSTRUCTION

STATE CAPITOL
HELENA, MONTANA 59620
(406) 449-3095

Ed Argenbright
Superintendent

February 15, 1983

Senator Mark Etchart, Chairman
Highways and Transportation Committee
Forty-Eighth State Legislature of Montana
State Capitol
Helena, Montana 59620

Mr. Chairman, Committee Members, I'm Curt Hahn, Driver Education Specialist for the Office of Public Instruction. I am pleased to represent OPI and go on record as a proponent of SB402. We feel that this legislation effectively clears up the present ambiguity in Montana's Motor Vehicle Codes relative to the status of a bicycle when upon a roadway and it brings Montana law into compliance with the current Uniform Vehicle Code. Further, and more importantly, this legislation improves the safety and efficiency of the flow of traffic. Therefore, we encourage this committee to support this bill and give it a "Do Pass" recommendation.

Curt Hahn, Specialist
Traffic Education Programs

Page 17, Highways, 2/15/83

Exhibit 3

The Montana Traffic Education Association

815 Stuart, Helena, Montana 59601
(406) 449-3126 or 443-1969

February 14, 1983

Senator Mark Etchart, Chairman
Highways and Transportation Committee
Forty-Eighth State Legislature of Montana
State Capitol
Helena, Montana 59620

Dear Senator Etchart:

I have had the opportunity to review SB402, "An Act Defining A Bicycle As A "Vehicle"; Revising and Clarifying the Bicycle Traffic Laws; Amending Sections 61-1-103, 61-1-123, 61-8-333, 61-8-336, 61-8-338, 61-8-354, 61-8-368, 61-8-504, 61-8-602, 61-8-604, and 61-8-605, MCA; and Providing an Immediate Effective Date." I find that the provisions therein provide Montana's roadway users with a clearer and more uniform vehicle code. This revised code will improve the motor vehicle/bicycle traffic mix and provide additional safety and a smoother flow of traffic for all vehicle operators.

On behalf of the Montana Traffic Education Association, an association composed of driver education teachers and driver license examiners, we would like to go on record as a proponent of SB402. We encourage you and your committee to support this timely legislation with a "DO PASS" recommendation.

Sincerely,

Wayne Elser

WAYNE ELSER, President
Montana Traffic Education Association

Page 18, Highways, 2/15/83

NAME: Albert Goke DATE: 2/15/83

ADDRESS: 303 N. Roberts Helena

PHONE: 449-3412

REPRESENTING WHOM? High. Traffic Safety Div. - Dept. of Justice

APPEARING ON WHICH PROPOSAL: SB 402

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS:

Proposed changes are supported by the wording from the Uniform Vehicle Code and would conform to national trends in dealing with bicycle law in the U.S.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: JOHN WILLIAMS DATE: 2-15-83

ADDRESS: 201 W. SPRUCE, MISSOULA MT 59802

PHONE: 1-721-4700 x 226

REPRESENTING WHOM? CITY OF MISSOULA, ENGINEERING DEPT.

APPEARING ON WHICH PROPOSAL: SB 402

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: AS A PROFESSIONAL INVOLVED IN TEACHING YOUNGSTERS HOW TO RIDE SAFELY, I FEEL THIS BILL IS NECESSARY TO IMPROVING SAFETY OF MONTANA BICYCLISTS. IT WILL CLARIFY THE LEGAL STATUS OF BICYCLISTS, IT WILL CLEARY STATE THE SITUATIONS UNDER WHICH A BICYCLIST MUST KEEP TO THE RIGHT, IT WILL MAKE TEACHING OF TURN SIGNALS EASIER.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Page 20, Highways, 2/15/83

Exhibit 4

THE GARDEN CITY
HUB OF FIVE VALLEYS

Missoula, Montana 59802

February 14, 1983

CITY ENGINEERING DEPARTMENT
201 West Spruce Street
Phone 721-4700

Letter No. E-83-0162

Senator Mark Etchert
Chairman
Highways & Transportation Committee
Montana Senate
Capitol Station
Helena MT 59620

Dear Senator Etchert:

I am writing in support of Senate Bill 402, an act that would bring Montana vehicular laws into conformance with the Uniform Vehicle Code.

I believe we need this bill. Montana has seen substantial growth in bicycle use over the past ten years. With this growth has come a rise in bicycle-related accidents and more confusion about the bicycle's place in the traffic mix.

Montana is one of the leaders in the movement to solve these problems. We have, for example, a state-wide bike safety training program that is recognized as one of the finest in the nation.

As a bike safety instructor who has taught hundreds of bicyclists of all ages, I can attest to the progress we have made. I can also attest to the long way we have to go, however, as some of our laws are still inadequate.

The proposed legislation will help me teach safe bicycling by:

- -clearing up the confusing status of the bicycle (it's hard to explain to kids and adults that they have the rights and duties of a driver but are not a driver);
- -giving a clear legal basis for teaching the two-stage left turn that is recommended in the Montana Bicyclist Training Program;
- -clarifying the situations under which a bicyclist may move left to avoid a hazardous situation.

The bill also goes along with the Uniform Vehicle Code in recognizing some of the differences between cars and bikes with regards to signalling turns and other maneuvers.

All in all, I feel this bill is a positive contribution to the bicycle safety situation in Montana. I respectfully request favorable consideration of SB 402.

AN EQUAL EMPLOYMENT OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER M/F

2/Senator Mark Etchert

Exhibit 4

Page 21, Highways, 2/15/83

Thank you for attention to this matter.

Sincerely,

John Williams
Bicycle Safety Coordinator
Missoula MT

JW/rm

Page 22, Highways, 2/15/83

NAME: JUNE J. SIPLE DATE: 2/15/83

ADDRESS: 717 DEFOE, MISSOULA MT 59802

PHONE: (406) 542-2607 OR 543-8314 (Office)

REPRESENTING WHOM? The Bicyclist's Guide to Montana

APPEARING ON WHICH PROPOSAL: Senate Bill # 402

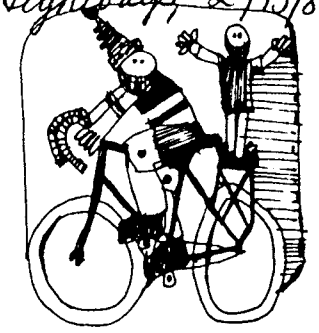
DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: I FEEL THAT THE MONTANA CODE IN ITS PRESENT FORM IS CONFUSING TO THE PUBLIC AND ENFORCEMENT OFFICIALS ALIKE; ADOPTION OF THE APPROPRIATE UNIFORM VEHICLE CODE SECTIONS INTO THE MONTANA CODE WOULD MAKE THE LAW MORE CLEAR FOR BICYCLE RIDERS AND MOTORISTS ALIKE.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Page 23, Highways 2/15/83

Exhibit 5



THE MISSOULA BICYCLE CLUB

February 14, 1983

Senator Mark Etchert, Chairman
Highways & Transportation Committee
Capitol Station
Helena, MT 59620

Dear Senator Etchert:

re: SB 402

I am president of the Missoula Bicycle Club, the largest incorporated bicycling club in Montana with over 300 members. 21% are non-Missoula members living elsewhere in Montana. I am in support of Senate Bill 402 because of the potential it creates for increased road safety for motorists and bicyclists alike. Current laws regarding bicyclists sharing the road with motorists are confusing and SB 402 would help clarify law enforcements part in maintaining safety.

The bottom line is bicyclists and motorists obeying traffic laws equally. After all, motorists must stop at stop signs so why continue to let bicyclists coast through?

Sincerely,

Debra Unruh

Debra Unruh
MBC President

Page 24, Highway, 2/15/83

Exhibit 6

BIKECENTENNIAL™

The Bicycle Travel Association

P.O. Box 8308, Missoula, MT 59807
(406) 721-1776

February 14, 1983

Senator Mark Etchert
Chairman - Highways and Transportation Committee
Capitol Station
Helena, MT 59620

Senator Etchert:

During the past decade the bicycle has become more than a mere toy given to one's child for Christmas or a birthday. It is at once a vehicle for the young (and old), a tool for commuting in the auto-clogged cities, a competitive machine for the bicycle racer, and a means of escape for the touring bicyclist.

It is this latter group, the touring cyclists, whom we serve through Bikecentennial, a service organization for cyclists born nine years ago in Missoula, and now the nation's largest bicycling organization, though certainly not its oldest.

During our nine years we have drawn thousands of cyclists to the state of Montana. They have climbed our tortuous mountain passes, wondered at out national parks, and reveled in pastoral scenery that exists in so few places in our nation today.

These cyclists are drawn to Montana largely because several arms of Bikecentennial's developing national bicycle trail network link and cross in this state. We seek the lightly traveled, scenic roadways; the small towns bypassed by the busier highways. It is on these lightly traveled roads that the cyclists are more likely to truly experience our state. They travel unencumbered by heavy traffic, and they bring unquestionable economic benefit to the small towns along the way.

Yet, these two-wheeled travelers are met by an archaic law that strips them of the rights as vehicle drivers that cyclists enjoy in most other states today, while requiring of them the responsibilities of motorized vehicle drivers. This is patently unfair.

As the executive director of Bikecentennial, and on the behalf of our 20,000 member cyclists nationwide, I ask you to support the passage of Senate Bill #402, "An Act Defining A Bicycle As A Vehicle..."

Sincerely,

Gary MacFadden
Executive Director

Page 25, Highway 2/15/83

BIKE BACK INTO AMERICA

BIKECENTENNIAL™

The Bicycle Travel Association

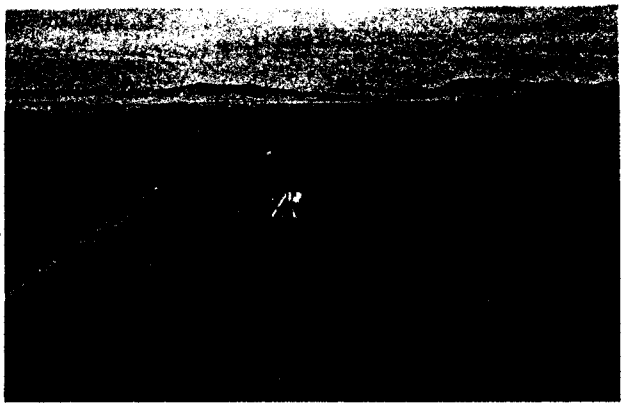


Exhibit 6

Northbound: Continue north on Going-to-the-Sun Highway. 21(33) Logan Pass, el. 6664. ★ 38(60) Saint Marys: turn left onto SR89. 46(74) Babb. ★ 50(80) Turn left onto SR 17 (Chief Mountain Int'l Highway.) 53(85) Matchline.
Southbound: Ride south on SR17 (Chief Mountain Int'l Highway). ★ 3(5) Turn right onto SR89. 8(13) Babb. ★ 17(27) Saint Marys: turn right onto Going-to-the-Sun Highway. 33(52) Logan Pass, el. 6664. 52(83) Matchline.
17
89
N
GOING TO THE SUN

6, Highways, 2/15/83

Exhibit 7

February 15, 1983

. ark Etchert, Chairman
ghways and Transportation Committee
lena, MT 59620

ar Sen. Etchert,

a writing you in regard to Senate Bill 702 concerning bicycle traffic
aw and regulations. After reviewing the bill I am convinced that passage of this
ill will benefit both the cyclist and the motorist. I am urging you to give
hi bill serious consideration and support.

have been a bicycle commuter and touring biker for over twenty years, making
ma trips throughout Montana and other states. I use the bicycle as a vehicle,
co uting to and from work for over nine months of the year. I ride approxi-
ma ely 3,000 miles each year and have seen many instances when a clearcut
law would have been very beneficial.

I elieve passage of this bill will make the law consistent and aid law enforce-
ment officers greatly. During the late energy crisis many Montanans started
u the bicycle for transportation and now that oil and gas are plentiful
a they still prefer to ride their bikes. They have found that a bicycle is
truly a vehicle to get from one place to another.

I nope you will support this worthwhile legislation and help its passsge
through the Legislature.

anks very much from a concerned cyclist.

Frank E. Winkler

Frank E. Winkler

2113 Charlott Ave.
Missoula, MT 59801

Page 27, Highway, 2/15/83

Amendment SB 402

Exhibit 8

1. Page 11, line 2

Following: "abreast"

Strike: "may"

Insert: "shall"

Senate Highways

Page 28, Highways, 2/15/83 Exhibit 9

HB 408

1. Page 1, line 18
Following: "railroad"
~~Proposed Amendment~~ ~~HB 408~~
Insert:

", provided however, ~~no~~ a caboose ~~shall be~~ is not required on trains operating within railroad yard limits, on a road, switch, or local switch train, on a work train, maintenance train, or on any other train ~~with~~ of 35 cars or less"

Senate Highways

Page 29, Highways, 2/15/83 Exhibit 10

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 2/15 1983 Bill No. HB 408 Time
Amendment

NAME	YES	NO
Senator Etchart, Chairman	✓	
Senator Hager, Vice Chairman	✓	
Senator Elliott	✓	
Senator Shaw	✓	
Senator Tveit		✓
Senator Graham	✓	
Senator D. Manning	~	~
Senator Stimatz		✓
Senator Daniels	~	~

Carol Doyle Frasier
Carol Doyle Frasier
Secretary

Mark Etchart
Senator Mark Etchart
Chairman

Motion: Senator Shaw made the motion to do Pass the amendment on Page 1, line 18, following "railroad" Insert: see attached motion passed. B B [illegible]

(include enough information on motion--put with yellow copy of committee report.)

Page 30, Highway, 2/15

Proposed Amendment HB 408

Provided however, notwithstanding any other provision of this section, any railroad may enter into an agreement with the appropriate railway labor organizations authorizing the elimination of cabooses.

Exhibit II

Page 31, Highways, 2/15/83

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 2/15 1983 Bill No. HB 408 Time

as amended

NAME	YES	NO
Senator Etchart, Chairman	✓	
Senator Hager, Vice Chairman	✓	
Senator Elliott	✓	
Senator Shaw	✓	
Senator Tveit		✓
Senator Graham	✓	
Senator D. Manning	~	~
Senator Stimatz		✓
Senator Daniels	~	~

Carol Doyle Frasier
Carol Doyle Frasier
Secretary

Mark Etchart
Senator Mark Etchart
Chairman

Motion: Senator Elliott made the motion that HB408 as amended Do Pass. Motion Passed. B. Brown carries.

(include enough information on motion--put with yellow copy of committee report.)

Exhibit 12

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 2/15 1983 Bill No. HB 198 Time

NAME	YES	NO
Senator Etchart, Chairman		✓
Senator Hager, Vice Chairman		✓
Senator Elliott	✓	
Senator Shaw		✓
Senator Tveit		✓
Senator Graham	✓	
Senator D. Manning		
Senator Stimatz		✓
Senator Daniels		

Carol Doyle Frasier
Carol Doyle Frasier
Secretary

Mark Etchart
Senator Mark Etchart
Chairman

Motion: Senator Elliot made the motion that HB 198 Do Pass. Motion failed.

Senator Hager made the motion that we reverse the vote on a Do Not Pass.

(include enough information on motion--put with yellow copy of committee report.)

Exhibit 13

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 2/15 1983 Bill No. HB 198 Time

NAME	YES	NO
Senator Etchart, Chairman	✓	
Senator Hager, Vice Chairman	✓	
Senator Elliott		✓
Senator Shaw	✓	
Senator Tveit	✓	
Senator Graham		✓
Senator D. Manning	~	~
Senator Stimatz	✓	
Senator Daniels	~	~

CDF
Carol Doyle Frasier
Secretary

Mark Etchart
Senator Mark Etchart
Chairman

Motion: Sen Hager made motion DO NOT Pass, BE Not Concurred In., motion carried.

Shaw Carries

(include enough information on motion--put with yellow copy of committee report.)

Page 36

Exhibit 14

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 2/15 1983 Bill No. HB 7 Time

NAME	YES	NO
Senator Etchart, Chairman		✓
Senator Hager, Vice Chairman	✓	
Senator Elliott	✓	
Senator Shaw	✓	
Senator Tveit	✓	
Senator Graham	✓	
Senator D. Manning	~	~
Senator Stimatz	✓	
Senator Daniels	~	~

Carol Frasier
Carol Doyle Frasier
Secretary

Mark Etchart
Senator Mark Etchart
Chairman

Motion: Senator Elliott made the motion that HB 7 Do Pass, motion carried.

Sen. Stimatz carries

(include enough information on motion--put with yellow copy of committee report.)

Exhibit 15

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 2/15 1983 Bill No. SB 402 amendment Time

NAME	YES	NO
Senator Etchart, Chairman	✓	
Senator Hager, Vice Chairman	✓	
Senator Elliott	✓	
Senator Shaw	✓	
Senator Tveit	✓	
Senator Graham	✓	
Senator D. Manning	~	~
Senator Stimatz	✓	
Senator Daniels	~	~

Carol Doyle Frasier
Carol Doyle Frasier
Secretary

Mark Etchart
Senator Mark Etchart
Chairman

Motion: Page 11, Line 2
Following: "abroad"
Strike: "may"
Insert: "shall"

Senator Graham made motion to do Pass the amendment Motion Passed.

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 2/15 1983 Bill No. ~~SB~~ Senate Bill 402 as amended Time

NAME	YES	NO
Senator Etchart, Chairman	✓	
Senator Hager, Vice Chairman	✓	
Senator Elliott	✓	
Senator Shaw	✓	
Senator Tveit	✓	
Senator Graham	✓	
Senator D. Manning	~	~
Senator Stimatz	✓	
Senator Daniels	~	~

Carol Doyle Frasier
Carol Doyle Frasier
Secretary

Mark Etchart
Senator Mark Etchart
Chairman

Motion: Senator Shaw made the motion that ~~SB~~ 402 as amended Do Pass. Motion carried. Stimatz carries

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

Page 32

FEBRUARY 15 19 83

MR. PRESIDENT:

We, your committee on HIGHWAYS AND TRANSPORTATION

having had under consideration HOUSE Bill No. 408

Respectfully report as follows: That HOUSE Bill No. 408

third reading, be amended as follows:

1. Page 1, line 18.
Following: "railroad"
Insert: ",provided however, a caboose is not required on a train operating within railroad yard limits, on a road, switch, or local switch train, on a work train, maintenance train, or on any other train of 35 cars or less."

And, as so amended
BE CONCURRED IN

DO PASS

SENATOR MARK ETCHART Chairman.

STATE PUB. CO.
Helena, Mont.

STANDING COMMITTEE REPORT

Page 35

February 15 19 83

MR. PRESIDENT:

We, your committee on HIGHWAYS AND TRANSPORTATION

having had under consideration HOUSE Bill No. 198

HARP (SHAW)

Respectfully report as follows: That HOUSE Bill No. 198

BE NOT CONCURRED IN

DEXXXXX

Senator Mark Etchart Chairman.

STATE PUB. CO.
Helena, Mont.

STANDING COMMITTEE REPORT

February 15 19 83

Page 37

MR. PRESIDENT:

We, your committee on HIGHWAYS AND TRANSPORTATION

having had under consideration HOUSE Bill No. 7

HARP (STIMATZ)

Respectfully report as follows: That HOUSE Bill No. 7

BE CONCURRED IN

DO PASS ~~XXXXX~~

Senator Mark Etchart Chairman.

STATE PUB. CO.
Helena, Mont.

STANDING COMMITTEE REPORT

Page 40

FEBRUARY 15 19 83

MR. PRESIDENT:

We, your committee on HIGHWAYS AND TRANSPORTATION

having had under consideration SENATE Bill No. 402

Respectfully report as follows: That SENATE Bill No. 402

introduced bill, be amended as follows:

1. Page 11, line 2.
Following: "abreast"
Strike: "may"
Insert: "shall"

And, as so amended,
DO PASS

SENATOR MARK ETCHART Chairman.

STATE PUB. CO.
Helena, Mont.

M.C.